

FCC DETERMINATIONS OF MUST CARRY COMPLAINTS
May 25, 1995

CSR No.	Station	Cable System: Community(s) Served	Determination
3746	KAZQ Albuquerque, NM	Jones Intercable: Albuquerque, Bosque Farms, and Bernalillo, NM	Complaint dismissed; voluntary carriage, 5/25/93.
3750	KAZQ, Albuquerque, NM	Sierra Cablevision: Bernalillo, Edgewood, Estancia, Isleta Pueblo, Moriarty, Sandia Knolls, and Tijeras, NM	Order to commence carriage, 5/28/93.
3751	KAZQ, Albuquerque, NM	Classic Cable Holdings: Belen and Los Lunas, NM	Voluntary carriage; complaint dismissed, 9/22/93.
3781	KBDI, Denver, CO	Colorado Springs Cablevision: Colorado Springs, CO	Order to commence carriage, 7/13/93.
3782	KBDI, Denver, CO	TCI: Denver, CO	Voluntary carriage; complaint dismissed 3/17/93.
3783	KBDI, Denver, CO	United Artist Cable: Greeley, CO	Order to commence carriage, 6/10/93.
3784	KBDI, Denver, CO	TCI: Wheatridge, Lakewood, Aurora, Englewood, Arvado, and Westminster, CO	Voluntary carriage; complaint dismissed, 3/17/93.
3908-M	KCDT, Moscow, ID	Cox Cable: Spokane, WA	Voluntary carriage; complaint dismissed, 12/16/94.
3766	KCSM, San Mateo, CA	Century Cable: Benicia, CA	Order to commence carriage, 6/10/93.
3767	KCSM, San Mateo, CA	Chambers Cable: Novato, CA	Order to commence carriage, 5/28/93.
3768	KCSM, San Mateo, CA	Coast Cable-Western Communications: San Jose, CA	Order to commence carriage, 5/28/93.
3769, 3774	KCSM, San Mateo, CA	Continental Cablevision:	Order dismissing complaint, 3/09/93 (KCSM signal does not reach the headend).
3770	KCSM, San Mateo, CA	Horizon Cable TV Video Engineering: Fairfax, CA	Order to commence carriage, 5/28/93.
3771, 3772	KCSM, San Mateo, CA	Multivision Cable TV: Rohnert Park and Fairfield, CA	Carriage order rescinded, poor signal quality, 5/11/94.
3773	KCSM, San Mateo, CA	Post-Newsweek Cable of California: Union City, CA	Order to commence carriage, 7/13/93.
3775	KCSM, San Mateo, CA	Televents CATV: Brentwood, CA	Order to commence carriage, 7/13/93.
3776	KCSM, San Mateo, CA	Tele-Vue Systems (Viacom): Pinole, CA	Voluntary carriage; complaint dismissed, 6/06/94.
3777	KCSM, San Mateo, CA	Tele-Vue Systems (Viacom): Marin, Napa and Sonoma Counties, CA	Voluntary carriage; complaint dismissed, 12/14/94.
3778	KCSM, San Mateo, CA	Wander Cable: Gualala, CA	Order to commence carriage, (6/03/93) rescinded, cable's Petition for Reconsideration granted, 7/29/93 (station Grade B does not encompass headend).
3779	KCSM, San Mateo, CA	Viacom Cable: San Francisco, CA	Order to commence carriage, 5/28/93.
4162-M	KCSM, San Mateo, CA	Viacom Cable (East Bay): Pleasanton, Livermore, Dublin, San Ramon, Sunol, CA and surrounding areas	Order to commence carriage, 12/13/94.

CSR No.	Station	Cable System: Community(s) Served	Determination
4185-M	KCSM, San Mateo, CA	TCI: Fremont, CA	Voluntary carriage; complaint dismissed, 2/02/94.
4048-M	KHCE, San Antonio, TX	Paragon Cable: San Antonio, TX	Order to commence carriage, 5/04/94.
4139-M	KLRU, Austin, TX	TCI Cablevision of Texas, Inc.: Seguin and New Braunfels, TX	Poor signal strength, carriage order of 5/18/94 rescinded, 7/28/94.
3890-M	KMOS, Sedalia, MO	Douglas Cable: Garden City and East Lynne, MO	Order to commence carriage, 12/12/93.
3891-M	KMOS, Sedalia, MO	Cablevision: Norborne, MO	Order to commence carriage, 11/10/93.
3892-M	KMOS, Sedalia, MO	Cablevision: Brunswick, MO	Order to commence carriage, 12/13/93.
3893-M	KMOS, Sedalia, MO	Cablevision: Richmond & Henrietta, MO	Order to commence carriage, 12/06/93
3910-M, 3917-M 3918-M, 3919-M	KMOS, Sedalia, MO	Douglas Cable: Calhoun, Urich, Creighton and Mayview, MO	Cable system with less than 12 usable channels, carriage order of 10/12/93 rescinded, 5/20/94.
3911-M	KMOS, Sedalia, MO	Douglas Cable: Waverly, MO	Order to commence carriage, 10/12/93.
3912-M	KMOS, Sedalia, MO	Douglas Cable: Slater, MO	Order to commence carriage, 10/12/93.
3913-M	KMOS, Sedalia, MO	Douglas Cable: Higginsville, MO	Order to commence carriage, 10/12/93.
3914-M	KMOS, Sedalia, MO	Douglas Cable: LaMonte, MO	Order to commence carriage, 10/12/93.
3915-M	KMOS, Sedalia, MO	Douglas Cable: Deepwater, MO	Order to commence carriage, 10/12/93.
3916-M	KMOS, Sedalia, MO	Douglas Cable: Gilliam, MO	Order to commence carriage, 10/12/93.
3923-M	KMOS, Sedalia, MO	Douglas Cable: Corder, MO	Order to commence carriage, 10/20/93.
3951-M	KMOS, Sedalia, MO	Friendship Cable: Greenview, MO	Order to commence carriage, 12/13/93.
3952-M	KMOS, Sedalia, MO	Friendship Cable: Climax Springs/Coffman Bend, MO	Order to commence carriage, 5/05/94.
3953-M	KMOS, Sedalia, MO	Friendship Cable: Ivey Bend, MO	Order to commence carriage, 5/31/94.
3954-M	KMOS, Sedalia, MO	Friendship Cable: Roach, MO	Order to commence carriage, 12/13/94.
3955-M	KMOS, Sedalia, MO	Douglas Cable: Emma, MO	Order to commence carriage, 12/06/94.
3956-M	KMOS, Sedalia, MO	Douglas Cable, Montrose, MO	Order to commence carriage, 11/09/93.
3957-M	KMOS, Sedalia, MO	Douglas Cable: Malta Bend, MO	Order to commence carriage, 11/09/93.
3958-M	KMOS, Sedalia, MO	Douglas Cable: Nelson, MO	Order to commence carriage, 11/09/93.
3959-M	KMOS, Sedalia, MO	Douglas Cable: Blackwater, MO	Order to commence carriage, 11/09/93.
3960-M	KMOS, Sedalia, MO	Friendship Cable: Niangua Bridge, MO	Order to commence carriage, 5/04/94.
3961-M	KMOS, Sedalia, MO	Douglas Communications Corp. II: Kingsville, MO	Cable system has only ten usable channels; carriage order of October 12, 1993 rescinded, 8/10/94.
3962-M	KMOS, Sedalia, MO	Douglas Cable: Jamestown, MO	Order to commence carriage, 12/06/94.

CSR No.	Station	Cable System: Community(s) Served	Determination
3963-M	KMOS, Sedalia, MO	Friendship Cable: Gravois Hills, MO	Order to commence carriage, 12/20/94.
3964-M	KMOS, Sedalia, MO	Cass County Cable: Cass County, MO	Order to commence carriage, 12/08/93.
3965-M	KMOS, Sedalia, MO	Douglas Cable Comm.: Cass County, MO	Carriage order rescinded, 9/30/94.
3967-M	KMOS, Sedalia, MO	Falcon Cable TV: Wheatland, MO	Order to commence carriage, 12/08/93.
3968-M	KMOS, Sedalia, MO	Falcon Cable TV: Harrisonville, MO	Order to commence carriage, 12/08/93.
3977-M, 3991-M 3992-M, 3993-M 3994-M, 3995-M 3996-M, 3997-M 3998-M	KMOS, Sedalia, MO	Jones Intercable: Greenwood, Blue Springs, Lees Summit, Oak Grove, Odessa, Pleasant Hill, Grain Valley, Lake Lotawana, and portions of Cass County, MO	Order dismissing complaint, 5/03/94. Station's Grade B contour does not encompass Jones' Raymore headend.
4067-M	KMOS, Sedalia, MO	First Cable of Missouri: Eugene, MO	Order to commence carriage, 5/04/94.
4068-M	KMOS, Sedalia, MO	First Cable of Missouri: Syracuse, MO	Order to commence carriage, 5/04/94.
4069-M	KMOS, Sedalia, MO	First Cable of Missouri: Clarksburg, MO	Order to commence carriage, 5/04/94.
4070-M	KMOS, Sedalia, MO	Lake Cable, Inc.: Tan-Tar-A, MO	Order to commence carriage, 5/04/94.
4071-M	KMOS, Sedalia, MO	First Cable of Missouri: Tina, MO	Order dismissing complaint, 10/22/93 (Ownership of cable company changed).
4072-M	KMOS, Sedalia, MO	First Cable of Missouri: Harrisburg, MO	Order to commence carriage, 5/04/94.
4078-M	KMOS, Sedalia, MO	MW-1 CableSystems Inc.: Chilhowee, MO	Order to commence carriage, 5/05/94.
4079-M	KMOS, Sedalia, MO	Tristar Cable: Centerview, MO	Order to commence carriage, 5/05/94.
4080-M	KMOS, Sedalia, MO	Tiger Cable Systems: Macks Creek, MO	Order to commence carriage, 5/05/94.
4081-M	KMOS, Sedalia, MO	Osage Communications: Buckner, MO	Order to commence carriage, 5/05/94.
3799-M	KNPB, Reno, NV	WestStar Cable: Truckee, CA	Order to commence carriage, 7/13/93.
4044-M	KOCE, Huntington Beach, CA	Century Southwest Cable: Santa Monica, CA, et al.	Order to commence carriage, 12/23/93.
3876-M, 3877-M	KRCB, Rohnert Park, CA	Viacom: Geyser Peak and Big Rock, CA	Voluntary carriage; complaints dismissed, 11/17/93.
3878-M	KRCB, Rohnert Park, CA	American International: Cotati, CA	Order to commence carriage, 10/12/93, (petition for reconsideration denied, 5/10/94.)
3879-M	KRCB, Rohnert Park, CA	Donrey Cablevision: Vallejo, CA	Order to commence carriage, 11/09/93.
3880-M	KRCB, Rohnert Park, CA	Century Cable: San Pablo, CA	Order to commence carriage, 10/12/93.
3881-M	KRCB, Rohnert Park, CA	Chambers Cablevision: Novato, CA	Voluntary carriage, complaint dismissed; 11/10/93.

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4249-M	KRCB, Rohnert Park, CA	TCI Cablevision: Martinez, CA	Order to commence carriage, 12/12/94.
4180-M	KTEH, San Jose, CA	Chambers Communications: Novato, CA	Order dismissing complaint, 5/11/94 (Grade B does not encompass headend).
4181-M	KTEH, San Jose, CA	Viacom Cable: Marin, Napa, Petaluma, Pinole, Crockett and American Canyon, CA	Order dismissing complaint, 8/11/94 (Grade B does not encompass headend).
4267-M	KUID, Moscow, ID	Northwest Cable: Lummer, ID and Garfield, WA	Complaint withdrawn by KUID upon determination of inadequate signal strength, 11/14/94.
3744	KVPT, Fresno, CA	TCI: Merced County, CA	Petition for Reconsideration granted, order to commence carriage, 8/09/93.
3763	KVPT, Fresno, CA	Cox Cable: Bakersfield, CA	Voluntary carriage; complaint dismissed, 12/13/94.
3764 3765	KVPT, Fresno, CA	Warner Cable: Bakersfield, Lamont and Irvin, CA	Voluntary carriage; complaint dismissed, 2/2/94.
3752	KYVE, Yakima, WA	TCI Cablevision: Wenatchee, WA	Order to commence carriage, 6/10/93.
4397-M, 4398-M	Maine Public Broadcasting	A-R Cable Services: Lewiston and Bangor, ME	Order to commence carriage, 2/08/95.
4447-M	Maine Public Broadcasting	United Video Cablevision: Greene, Leeds, Minot, Poland, Turner, Wales, Durham, and Woolwich, ME	Order denied, station determined not to be local, 4/26/95.
3745-M	Mississippi Educational Television, WMAV, Oxford, MS	Time Warner Cable: Oxford, MS	Order dismissing complaint, 5/28/93. MAET's Application for Review denied, 6/10/94.
3792-M	WILL, Urbana, IL	TCI of Illinois-Onarga: Onarga, Danforth and Gilman, IL	Order to commence carriage, 6/03/93.
4011-M	WKAR, East Lansing, MI	Crystal Cable: East Lansing, MI	Order to commence carriage, 12/14/94.
4020-M	WKAR, East Lansing, MI	TCI Cablevision: Battle Creek, MI	Voluntary carriage; complaint dismissed, 8/26/93.
3882-M	WNEO, Alliance, OH	TCI Cablevision: Steubenville, OH	Order to commence carriage, 8/04/93.
3969-M	WNIN, Evansville, IN	Douglas Cable: Allendale, Bone Gap, Browns, Keensburg and West Salem, IL	Order to commence carriage, 11/17/93.
3757, 3758	WNVC, Fairfax, VA	Cable TV Montgomery: Montgomery County, MD	Voluntary carriage; complaints dismissed, 8/26/93.
3759	WNVC, Fairfax, VA	Prestige Cable TV: Garrisonville, VA	Order to commence carriage, 5/28/93.
3755	WNVN, Goldvein, VA	Multivision Cable TV: Prince George's County, MD	Order to commence carriage, 6/3/93.
3756	WNVN, Goldvein, VA	MetroVision: Prince George's County, MD	Order dismissing complaint, poor signal quality, 6/3/93.

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3760, 3761	WNVN, Goldvein, VA	District Cablevision Limited Partnership: Washington, D.C.	Order to commence carriage, 7/29/93.
3748	WNYC Communications Group, New York, NY	Time Warner New York City Cable Group: New York, NY	Order to commence carriage, 5/20/93.
3787	WNYC, New York, NY	Cablevision: Great Neck, Lynbrook, Woodbury, and Yorktown Heights, NY; and Newark, NJ	Voluntary carriage; complaint dismissed, 4/02/93.
3786	WPBT Miami, FL	National Cable Limited: Palm Beach County, FL	Order to commence carriage, 7/29/93.
3931-M, 3932-M, 3934-M	WPTD, Oxford, OH	TCI of Indiana, Inc.: Dublin and Richmond, IN	Complaint dismissed; voluntary carriage or repositioning, 10/15/93.
3933-M	WPTD (Dayton, OH)	TCI Cablevision: Winchester, IN	Complaint dismissed 11/17/93 (TCI not within WPTD's Grade B contour).
3945-M	WPTD, Dayton, OH	Country Cable: Greens Fork, IN	Order to commence carriage, 11/09/93
4027-M	WPTD, Dayton, OH	Dimension Cable: Washington Court House, Bloomingburg, Sabina, Jeffersonville, Milledgeville, Octa, Union and portions of Clinton County, OH	Order to commence carriage, 1/20/95.
4028-M	WPTD, Dayton, OH	Paxton Cablevision: Midway, OH	Order to commence carriage, 12/23/93.
4029-M	WPTD, Dayton, OH	Time Warner Cable: Union City, OH and Union City, IN	Voluntary carriage; complaints dismissed, 2/09/94.
4030-M	WPTD, Dayton, OH	Time Warner Cable: Oxford, OH	Complaint dismissed; voluntary carriage or repositioning, 12/14/93.
4038-M	WPTD, Dayton, OH	B&L Cablevision: Port William and Bowdersville, OH	Voluntary carriage; complaint dismissed, 1/03/94.
4089-M	WPTD, Dayton, OH	Sammons Communications: Connersville, IN	Order to commence carriage, 8/19/94.
3935-M	WPTO, Oxford, OH	TCI Cablevision of Indiana: Lynn, IN	Order to commence carriage, 11/09/93.
3936-M	WPTO, Oxford, OH	TCI Cablevision of Indiana: New Castle, IN	Order to commence carriage, 10/23/93.
3937-M	WPTO, Oxford, OH	TCI Cablevision of Indiana: Winchester, IN	Order to commence carriage, 11/17/93.
3938-M	WPTO, Oxford, OH	TCI Cablevision of Indiana: Dublin, IN	Order to commence carriage, 12/08/93.
3939-M	WPTO, Oxford, OH	TCI Cablevision of Indiana: Richmond, IN	Order to commence carriage, 11/09/93.
3940-M	WPTO, Oxford, OH	Oak Cable: St. Paul, IN	Order to commence carriage, 11/09/93.
3941-M	WPTO, Oxford, OH	Oak Cable: Waldron, IN	Order to commence carriage, 11/09/93.
3942-M	WPTO, Oxford, OH	Country Cable: Holton, IN	Order to commence carriage, 11/09/93.
3943-M	WPTO, Oxford, OH	Country Cable: Glenwood, IN	Order to commence carriage, 11/09/93.

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3944-M	WPTO, Oxford, OH	Country Cable: Greens Forks, IN	Order to commence carriage, 11/09/93.
3984-M	WPTO, Oxford, OH	Sunman Cablevision: Sunman, IN	Order to commence carriage, 12/08/93.
4031-M	WPTO, Oxford, OH	KENS Cable: Harveysburg, OH	Order to commence carriage, 12/23/93.
4032-M	WPTO, Oxford, OH	KAS Cable: Wright Patterson AFB, OH	Order to commence carriage, 12/23/94.
4033-M	WPTO, Oxford, Ohio	KENS Cable: Clarksville, OH	Order to commence carriage, 12/23/94.
4090-M	WPTO, Oxford, OH	Sammons Communications: Connersville, Indiana	Order to commence carriage, 12/15/94.
4168-M, 4169-M 4170-M, 4171-M 4172-M	WPTO, Oxford, OH	TCI Cablevision: Golf Manor, Middletown, Wilmington, Fairfield, and Hamilton, MO	Order to commence carriage, 1/19/95.
3978-M, 3979-M	WPTD (Dayton, OH) & WPTO (Oxford, OH)	Northern Ohio Cable: Wayne County, IN	Order to commence carriage, 12/06/93.
3980-M, 3981-M 3982-M, 3983-M 3985-M	WPTD (Dayton, OH) & WPTO (Oxford, OH)	MW-1 Cable Systems: Economy, Metamora, Laurel & Newpoint, IN	Carriage order rescinded, 5/11/94 (poor signal quality).
4041-M 4042-M	WPTD (Dayton, OH) & WPTO (Oxford, OH)	Sammons Communications: Brookville, IN	Order to commence carriage, 5/04/94.
3800-M	WYBE, Philadelphia, PA	Storer Cable Communications of Gloucester County: Willingboro, NJ	Order to commence carriage, 6/10/93.
3801-M	WYBE, Philadelphia, PA	Comcast Cablevision of Mercer County: Trenton, NJ	Order to commence carriage, 6/10/93.
3802-M	WYBE, Philadelphia, PA	C-Tec Cablevision: Dallas, PA.	Complaint dismissed, headend outside of Grade B contour, 6/10/93
3803-M	WYBE, Philadelphia, PA	Comcast Cablevision: Philadelphia, PA	Voluntary carriage; complaint dismissed, 6/23/93.
3804-M	WYBE, Philadelphia, PA	Garden State Cablevision: Cherry Hill, NJ	Order to commence carriage, 6/10/93.
3805-M	WYBE, Philadelphia, PA	Monmouth Cablevision Associates: Seaside Heights, NJ	Order dismissing complaint, headend outside of Grade B contour, 6/15/93.
3806-M	WYBE, Philadelphia, PA	Suburban Cable TV Company: Pottstown, PA	Order to commence carriage, 8/23/93.
3807-M	WYBE, Philadelphia, PA	Tri-County Cable: Salem, NJ	Voluntary carriage; complaint dismissed, 6/01/93.
3808-M	WYBE, Philadelphia, PA	Metro Cable: Bryn Mawr, PA	Complaint dismissed; cable company a SMATV system and not covered by Cable Act, 6/22/93.
3809-M	WYBE, Philadelphia, PA	Wade Cablevision: Philadelphia, PA	Order to commence carriage, 7/13/93.
3835-M	WYBE, Philadelphia, PA	Oxford Valley Cablevision: Bensalem, PA	Voluntary carriage; complaint dismissed, 7/15/93.

CSR No.	Station	Cable System: Community(s) Served	Determination
3836-M	WYBE, Philadelphia, PA	Harron Cable Television: Malvern, PA	Voluntary carriage; complaint dismissed, 6/23/93.
3837-M	WYBE, Philadelphia, PA	Storer Cable Communications: Woodbury, NJ	Voluntary carriage; complaint dismissed, 6/23/93.
3838-M	WYBE, Philadelphia, PA	Cablevision of Pennsylvania: Norristown, PA.	Order to commence carriage, 7/29/93.
4006-M	WYBE, Philadelphia, PA	Monmouth Cable: Jackson Township, NJ	Voluntary carriage; complaint dismissed, 9/01/93.
4058-M	WYBE, Philadelphia, PA	Tele-Media, Corp.: Chesapeake City, MD	Order to commence carriage, 5/05/94.
4059-M	WYBE, Philadelphia, PA	TCI Cablevision of Maryland: Elkton, MD	Order to commence carriage, 5/05/94, (Petition for Reconsideration denied, 8/25/94).

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MIDLEN & GUILLOT

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JOHN M. MIDLEN, JR.
GREGORY M. GUILLOT
BET ADMITTED IN D.C.

May 25, 1993

Peter H. Feinberg, Esquire
Dow, Lohnes & Albertson
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1255 23rd Street, N. W.
Washington, D. C. 20037

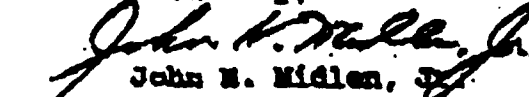
Re: Albuquerque, NM -- Proposed Dismissal of Complaint
Against Jones Intercable, Inc.; CSR-3746


Dear Peter:

By this letter it is agreed between Alpha-Omega Broadcasting of Albuquerque, Inc. and Jones Intercable, Inc. that the Complaint of Alpha-Omega shall be dismissed without prejudice in light of Jones' representation that it will commence carriage of Station KAZQ on its Albuquerque (and environs), New Mexico system on June 2, 1993. As modified by our recent conversation, carriage will commence on Jones' other two headends, Bosque Farms and Bernalillo; by mid-June, or as soon thereafter as the equipment is received. Should the equipment not be received or installed by mid-June, the station will be kept advised of the expected date of installation. Once carriage is commenced it shall continue until and unless the Cable Act of 1992's Must-Carry provisions are struck down on judicial review. You have a draft of a revised Consent Motion to Dismiss, which I am prepared to file today upon receipt back from you by fax of a signed copy of this letter.

Please give me a call if you have any questions or suggested changes either to this letter agreement or the Consent Motion, or both.

Cordially,


John M. Midlen, Jr.


Peter H. Feinberg



**Before the
Federal Communications Commission
Washington, D.C. 20554**

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

In re:

Complaint of Alpha-Omega
Broadcasting of Albuquerque,
Inc. against Multimedia
Development Corp.

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: May 28, 1993;

Released: June 8, 1993

By the Chief, Mass Media Bureau:

1. On January 28, 1993, a complaint was filed with the Commission on behalf of Alpha-Omega Broadcasting of Albuquerque, Inc., licensee of Television Broadcast Station KAZQ (Educ., Channel 32), Albuquerque, New Mexico. According to KAZQ, the station is entitled to carriage by cable television systems serving the following New Mexico communities, all of which are owned by Multimedia Development Corp., d/b/a Sierra Cablevision, because KAZQ is within fifty miles of the principal headend of the cable system serving each of them, and therefore KAZQ is a local signal for each of these areas within the meaning of 45 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992): Bernalillo, Edgewood, Estancia, Isleta Pueblo, Moriarty, Sandia Knolls, and Tijeras.

2. On April 8, 1993, the United States District Court of the District of Columbia issued a decision in the litigation involving *Turner Broadcasting System, Inc., et al. v. Federal Communications Commission*, Civil Action No. 92-2247 (D.D.C. April 8, 1993), which upheld the provisions of the 1992 Cable Act that had been challenged as violating plaintiffs' constitutional rights and terminated the 120 day *Standstill Order* previously issued in this case.

3. Since no other pleadings were filed in this matter within the fifteen (15) day period specified by the Commission in its Public Notice, Mimeo No. 32419 (released March 26, 1993), the complaint filed January 28, 1993, by Alpha-Omega Broadcasting of Albuquerque, Inc. IS GRANTED, in accordance with §615(j)(3) (47 U.S.C. 535) of the Communications Act of 1934, as amended, and Multimedia Development Corp. d/b/a Sierra Cablevision IS ORDERED to commence carriage of Station KAZQ, Channel 32, Albuquerque, New Mexico on its cable television systems in ~~Bernalillo, Edgewood, Estancia, Isleta Pueblo, Moriarty, Sandia Knolls and Tijeras, New Mexico~~ ~~forty-six (46) days from the date of this Order.~~ This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by §0.283 of the Commission's Rules.

SEP 22 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Federal Communications Commission

In re:

**Complaint of Alpha-Omega
Broadcasting of Albuquerque,
Inc. against Classic Cable
Holdings LP**

CSR-3751
NM0092
NM0156
NM0158

Request for Carriage

To: Chief, Mass Media Bureau

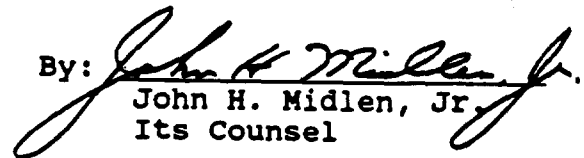
Alpha-Omega Broadcasting of Albuquerque, Inc. (Alpha-Omega), Complainant, licensee of Noncommercial Educational Television Station KAZQ, Albuquerque, New Mexico, herewith moves to dismiss its above-captioned Complaint without prejudice. Alpha-Omega has been advised by Classic Cable Holdings LP d/b/a Valencia County Cable TV (Classic Cable) that carriage of Station KAZQ will commence on its systems with headends at Belen, New Mexico and at Los Lunas, New Mexico on Channel 10 with the provision of certain equipment by Alpha-Omega to Classic Cable. These arrangements are satisfactory to Alpha-Omega. That being the case, there is no longer any need for relief from this Commission. Classic Cable concurs in and consents to this Motion and the relief sought.

For the foregoing reason, Alpha-Omega requests that its Complaint with respect to Classic Cable be dismissed without prejudice.

Respectfully submitted,

ALPHA-OMEGA BROADCASTING OF
ALBUQUERQUE, INC.

By:


John H. Midlen, Jr.
Its Counsel

Midlen & Guillot, Chartered
3238 Prospect Street, N. W.
Washington, D. C. 20007-3214

September 22, 1993

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of Front Range
Educational Media (KBDI-TV)
against Colorado Springs
Cablevision, Inc.

CSR-3781
CO0030

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: July 13, 1993;

Released: July 20, 1993

By the Chief, Mass Media Bureau:

1. On October 5, 1992, the Cable Television Consumer Protection and Competition Act of 1992 ("the Cable Act") became law.¹ On December 4, 1992, the Cable Act's requirement for mandatory carriage of certain noncommercial educational stations became effective.² On January 4, 1993, Front Range Educational Media ("KBDI-TV"), licensee of Station KBDI-TV (Educ., Channel 12), Broomfield, Colorado, filed a complaint seeking to ensure the station's carriage on channel 12 on the cable system serving Colorado Springs, Colorado, which is operated by Colorado Springs Cablevision, Inc. ("CSCI"). CSCI opposed this complaint on February 18, 1993.³

2. KBDI-TV asserts that, despite its status as a qualified local noncommercial educational television station entitled to on-channel carriage rights on channel 12 on CSCI's Colorado Springs cable system, CSCI has refused to carry KBDI-TV at all. Because KBDI-TV's Grade B service contour encompasses CSCI's principal headend in Colorado Springs, as shown by a contour map submitted by the station, KBDI-TV states that CSCI's refusal to carry the station is a violation of the station's must-carry rights.

3. In opposition, CSCI cites the *Standstill Order* associated with the litigation involving the constitutionality of the 1992 Cable Act at issue in *Turner Broadcasting System, Inc., et al. v. Federal Communications Commission*, Civil Action No. 92-2247 (D.D.C. December 4, 1992). CSCI also claims that KBDI-TV is not entitled to assert carriage rights because its city of license is not within 50 miles of the cable system's principal headend, nor does the station provide a good quality signal to CSCI's principal headend, citing *KKTV, Inc.*, 6 FCC Rcd 3621 (1991).

4. We uphold KBDI-TV's complaint against CSCI. Initially, we note that on April 8, 1993, the United States District Court for the District of Columbia issued a decision in *Turner Broadcasting System, Inc., supra*, upholding the provisions of the 1992 Cable Act that had been challenged as violating plaintiffs' constitutional rights and terminating the *Standstill Order* previously issued in that proceeding. Furthermore, KBDI-TV is clearly a qualified noncommercial educational television station within the meaning of the 1992 Cable Act and our rules. As required by 47 U.S.C. §535 to be eligible for mandatory carriage, KBDI-TV's Grade B service contour encompasses CSCI's principal headend. See also 47 C.F.R. §76.55(b)(2). Consequently, Broomfield's distance from CSCI's headend is not relevant. Neither is the holding in *KKTV, Inc., supra*, which dealt with certain commercial broadcast stations licensed to Denver, Colorado. Therein, the Commission found that Grade B service contour maps were to be relied on, unless specific and reliable engineering data to the contrary was submitted in rebuttal. *Id.* at 3622. CSCI has submitted no data whatsoever to rebut KBDI-TV's evidence of its Grade B contour location, or to support its initial allegation of poor signal quality at CSCI's principal headend.

5. In view of the foregoing, we find that grant of KBDI-TV's petition is in the public interest.

6. Accordingly, IT IS ORDERED. That the petition for special relief (CSR-3781) filed January 4, 1993, by Front Range Educational Media IS GRANTED in accordance with §615(j)(3) (47 U.S.C. §535) of the Communications Act of 1934, as amended.

7. IT IS FURTHER ORDERED. That Colorado Springs Cablevision, Inc. SHALL COMMENCE CARRIAGE of the signal of KBDI-TV on cable channel 12 of CSCI's cable system serving Colorado Springs, Colorado, forty-six (46) days from the release date of this Order. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by §0.283 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

¹ Pub. L. No. 102-385, 106 Stat. 1460 (1992).

² 47 U.S.C. §535.

³ On March 11, 1993, the Commission adopted a *Report and Order* in MM Docket No. 92-259, 8 FCC Rcd 2965 (1993) ["*Report and Order*"]. In view of the fact that the rules adopted therein could have an impact upon a cable system's obligation to carry certain noncommercial educational stations, and could also affect the resolution of a disputed carriage request already

on file with the Commission, parties opposing such requests on file were permitted 15 days to file a supplemental pleading after the release date of the *Report and Order, supra*. Public Notice, "Carriage of Noncommercial Educational Stations by Cable Television Systems," Mimeo No. 32419 (released March 26, 1993). Replies to such supplemental oppositions could be filed within 5 days. *Id.* No supplemental opposition was filed by CSCI.



KBDI CHANNEL 12

FRONT RANGE

2/24/93

EDUCATIONAL

Donna Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

MEDIA CORPORATION

COMMUNICATIONS

Dear Ms. Searcy;

ENCLOSURE

Enclosed please find five original copies of "Withdrawal of Complaint" in regard to American Cablevision and TCI of Colorado.

ENCLOSURE

Also enclosed is a self addressed stamped envelope, and request that a stamped original be returned.

ENCLOSURE

Sincerely,

Ted Krichels
KBDI-TV

RECEIVED
MASS MEDIA BUREAU
MAR 16 1993

VIDEO SERVICES

RECEIVED

FEB 25 1993

FCC MAIL ROOM

25K-3782
CO 4/215



RECEIVED
MASS MEDIA BUREAU

MAR 16 1993

TCI of Colorado

VIDEO SERVICES

February 19, 1993

RECEIVED

FEB 25 1993

FCC MAIL ROOM

Mr. Ted Krichels
General Manager
KBDI Channel 12
2246 Federal Blvd.
Denver, CO 80211

Dear Ted:

This letter confirms our recent conversation regarding carriage of KBDI on our cable system. As you are aware, TCI will soon be managing most of the metropolitan operations surrounding and including the City of Denver.

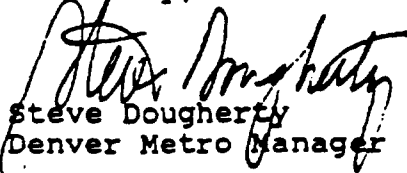
Effective Sunday morning, March 28, 1993, KBDI will be carried on Channel 12 in all of the current TCI of Colorado service areas, including Douglas County and Boulder.

We are in the process of negotiating with Time-Warner the acquisition of the American Cablevision systems currently serving Thornton, Northglenn, Wheat Ridge, Littleton and Highlands Ranch. We anticipate the conclusion of this acquisition in March and I am pleased to tell you that beginning May 2, KBDI will also be carried on Channel 12 in those areas.

At that time, KBDI will have metro wide carriage into approximately 340,000 homes.

A copy of this letter is being forwarded to Kevin Ryan, Operations Director for the National Division of Time-Warner.

Sincerely,


Steve Dougherty
Denver Metro Manager

SD:mh

cc: Kevin Ryan

1.5 KBDI

Federal Communications Commission

DA 93-691

Before the
Federal Communications Commission
Washington, D.C. 20554

Order. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by §0.283 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

In re:

Complaint of Front Range
Educational Media against
United Artists Cable
of Greeley

CSR-3783
CO0047

Roy J. Stewart
Chief, Mass Media Bureau

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: June 10, 1993;

Released: June 24, 1993

By the Chief, Mass Media Bureau:

1. On January 4, 1993, a petition was filed with the Commission on behalf of Front Range Educational Media, licensee of Station KBDI-TV (Educ., Channel 12), Broomfield, Colorado. According to KBDI-TV, the station is entitled to on-channel carriage by United Artist Cable of Greeley ("UAC") a cable television system serving Greeley, Colorado, because Broomfield is within fifty miles of the cable system's principal headend at Greeley, and therefore KBDI-TV is a "local" signal within the meaning of §5 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992).

2. In its letter declining to grant KBDI-TV's request for on-channel carriage, UAC notes the Commission's pending rule making proceeding which UAC states might help to clarify various broadcasters' conflicting demands to certain channel allocations on the system.

3. On April 8, 1993, the United States District Court of the District of Columbia issued a decision in the litigation involving *Turner Broadcasting System, Inc., et al. v. Federal Communications Commission*, Civil Action No. 92-2247 (D.D.C. April 8, 1992), which upheld the provisions of the 1992 Cable Act that had been challenged as violating plaintiffs' constitutional rights and which terminated the 120 day *Standstill Order* previously issued in this case. In addition, on March 11, 1993, the Commission adopted its *Report and Order in M.M. Docket No. 92-259*, 8 FCC Rcd 2965 (1993), clarifying its rules on mandatory signal carriage.

4. Since no other pleadings were filed in this matter within the fifteen (15) day period specified by the Commission in its Public Notice, Mimeo No. 32419 (released March 26, 1993), the complaint filed January 4, 1993, by Front Range Educational Media IS GRANTED, in accordance with §615(j)(3) (47 U.S.C. 535) of the Communications Act of 1934, as amended, and pursuant to §615(g)(5) of the 1992 Cable Act, United Artists Cable of Greeley IS ORDERED to carry Station KBDI-TV, Channel 12, Broomfield, Colorado, on channel, on its cable television system in Greeley, forty-six (46) days from the date of this

ANN BAVENDER*
ANNE GOODWIN CRUMP*
VINCENT J. CURTIS, JR.
PAUL J. FELDMAN*
ERIC FISHMAN*
RICHARD HILDRETH
EDWARD W. HUMMERS, JR.
FRANK R. JAZZO
CHARLES H. KENNEDY*
KATHRYN A. KLEIMAN
BARRY LAMBERGMAN
PATRICIA A. MAHONEY
M. VERONICA PASTOR*
GEORGE PETRUTSAS
LEONARD R. RAISH
JAMES P. RILEY
MARVIN ROSENBERG
KATHLEEN VICTORY*
HOWARD M. WEISS

*NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

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ROBERT L. HEALD
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(1936-1981)

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RUSSELL ROWELL
EDWARD F. KENEHAN
FRANK U. FLETCHER

OF COUNSEL
EDWARD A. CAINE*

WRITER'S NUMBER
(703) 812-

December 16, 1994

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Idaho State Board of Education, KCDT
Coeur d'Alene, Idaho/Cox Cable Spokane, Inc.
CSR 3908M
Code WA0231

Dear Mr. Caton:

Please be informed that the dispute between Cox Cable Spokane, Inc. concerning Idaho Public Television and its Station KCDT at Coeur d'Alene, Idaho, has now been settled in that the signal of Station KCDT(TV) is now being carried on the Cox Cable Spokane, Inc. system at Spokane, Washington. As a consequence, the complaint filed on behalf of Idaho Public Television is hereby withdrawn.

Should any questions arise concerning this matter, please contact this office.

Very truly yours,


Richard Hildreth

RH/bll

cc: Cable Services Bureau
Peter H. Feinberg, Esq.

RECEIVED

DEC 16 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of the San Mateo
County Community College
District against Century
Cable of Northern California,
Inc.

CSR-3766
CA0015

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: June 10, 1993;

Released: June 25, 1993

By the Chief, Mass Media Bureau:

issued a decision in the litigation involving *Turner Broadcasting System, Inc., supra*, which upheld the provisions of the 1992 Cable Act that had been challenged as violating plaintiffs' constitutional rights and terminated the 120 day *Standstill Order* previously issued in this case.

4. Therefore, the petition filed January 26, 1993, by the San Mateo Community College District, licensee of Station KCSM-TV, IS GRANTED, pursuant to §615(j)(3) (47 U.S.C. 535) of the Communications Act of 1934, as amended, and Century Cable of Northern California, Inc. IS ORDERED to commence the carriage requested by KCSM-TV forty-six (46) days from the date of this *Order*. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by §0.283 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

1. On December 4, 1993, the mandatory carriage provisions of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992), became effective for certain noncommercial educational stations. On January 26, 1993, the San Mateo Community College District, licensee of Station KCSM-TV (Educ., Channel 60), San Mateo, California, filed a petition with the Commission stating that its carriage request had been refused by Century Cable even though the Grade B contour of KCSM-TV covers the cable system's principal headend at Benicia, California, according to the station.

2. On February 12, 1993, Century Cable of Northern California, Inc. ("Century Cable") filed an opposition to the above petition, which it supplemented on April 13, 1993. According to Century Cable, the system serving Benicia carries two educational stations now, and it is considering issues such as headend signal quality, copyright fees, and potential programming duplication to determine which other educator it should add to reach the complement of three mandated by the 1992 Cable Act, enforcement of which Century Cable notes is subject to the *Standstill Order* and to the litigation involving *Turner Broadcasting System, Inc. et al. v. Federal Communications Commission*, Civil Action No. 92-2247 (D.D.C., December 4, 1992). Moreover, Century Cable states that KCSM-TV's petition did not comport with §76.7 of the Commissions Rules, because it did not include an affidavit and did not sufficiently detail the station's efforts to resolve this dispute before it filed with the Commission. Therefore, Century Cable asks that the Commission dismiss KCSM-TV's petition, and that it start its 120 day action period after KCSM-TV submits all the above information.

3. Given that the petition filed with the Commission did contain a "Declaration" made under penalty of perjury that the documents and facts submitted were true from KCSM-TV's General Manager, David H. Hosley, and the appropriate Grade B map of the station's predicted coverage, as well as correspondence requesting carriage dated November 25, 1992, addressed to the cable system's General Manager, Trudy Ribero, KCSM-TV's petition will not be dismissed. In addition, we note that on April 8, 1993, the United States District Court of the District of Columbia

Federal Communications Commission

KCSM/
Chambers Cab
DA 93-620

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of San Mateo
County Community College
District against
Chambers Cable of Novato

CSR-3767
CA0107

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: May 28, 1993;

Released: June 24, 1993

By the Chief, Mass Media Bureau:

1. On January 26, 1993, a petition on behalf of the San Mateo County Community College District, licensee of Station KCSM-TV (Educ., Ch. 60), San Mateo, California, was filed with the Commission claiming that Chambers Cable of Novato ("Chambers"), had declined to carry the station, even though the Grade B contour of KCSM-TV encompasses the system's principal headend at Novato, California, and it is therefore a "local" signal within the meaning of Section 5 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992).

2. On April 8, 1993, the United States District Court of the District of Columbia issued a decision in the litigation involving *Turner Broadcasting System, Inc., et al., v. Federal Communications Commission*, Civil Action No. 92-2247 (D.D.C. April 8, 1993), which upheld the provisions of the 1992 Cable Act that had been challenged as violating plaintiffs' constitutional rights and terminated the 120 day *Standstill Order* previously issued in this case.

3. Since no other pleadings were filed in this matter within the fifteen (15) day period specified by the Commission in its Public Notice, Mimeo No. 32419 (released March 26, 1993), the complaint filed January 26, 1993, by the San Mateo County Community College District IS GRANTED, in accordance with Section 615(j)(3) (47 U.S.C. 535) of the Communications Act of 1934, as amended, and Chambers Cable of Novato IS ORDERED to commence carriage of KCSM-TV forty-six (46) days from the date of this *Order*. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by Section 0.283 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

Federal Communications Commission

KCSM/
Coast Cable
DA 93-621

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of San Mateo County CSR-3768
Community College District CA1468
against Coast Cable-Western
Communications, Inc.

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: May 28, 1993; Released: June 14, 1993

By the Chief, Mass Media Bureau:

1. On January 26, 1993, a petition on behalf of the San Mateo County Community College District, licensee of Station KCSM-TV (Educ., Ch. 60), San Mateo, California, was filed with the Commission claiming that Coast Cable-Western Communications Inc. ("Coast"), had declined to carry the station, even though the Grade B contour of KCSM-TV encompasses the system's principal headend at San Jose, California, and it is therefore a "local" signal within the meaning of Section 5 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992).

2. On April 8, 1993, the United States District Court of the District of Columbia issued a decision in the litigation involving *Turner Broadcasting System, Inc., et al., v. Federal Communications Commission*, Civil Action No. 92-2247 (D.D.C. April 8, 1993), which upheld the provisions of the 1992 Cable Act that had been challenged as violating plaintiffs' constitutional rights and terminated the 120 day *Standstill Order* previously issued in this case.

3. Since no other pleadings were filed in this matter within the fifteen (15) day period specified by the Commission in its Public Notice, Mimeo No. 32419 (released March 26, 1993), the complaint filed January 26, 1993, by the San Mateo County Community College District IS GRANTED, in accordance with Section 615(j)(3) (47 U.S.C. 535) of the Communications Act of 1934, as amended, and Coast Cable-Western Communications Inc. IS ORDERED to commence carriage of KCSM-TV forty-six (46) days from the date of this Order. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by Section 0.283 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

274

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

IN REPLY REFER TO:

4400-AG

David H. Hosley
General Manager, KCSM(TV)
1700 West Hillsdale Blvd.
San Mateo, California 94402-3784

In re: KCSM(TV)
San Mateo, CA
CSR-3774; CA0255
CSR-3769; CA0428

Dear Mr. Hosley:

On January 26, 1993, you submitted the above petitions for declaratory rulings pursuant to §5 of the 1992 Cable Act. On February 18, 1993, however, you filed a request to withdraw them without prejudice, noting in each case that the initial petitions were erroneously filed since "... KCSM's signal does not reach the headend of the system. . . ."

Therefore, pursuant to §§76.8(a) and 0.283 of the Commission's Rules, the above petitions are dismissed as requested.

Sincerely,

Ronald Parver
Chief, Cable Television Branch
Video Services Division
Mass Media Bureau

cc: Continental Cablevision California
Post-Newsweek Cable, Inc.

Federal Communications Commission

KCSM/
Horizon
DA 93-622

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of San Mateo
County Community College District
against Horizon Cable TV Video
Engineering, Inc.

CSR-3770
CA0050

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: May 28, 1993;

Released: June 24, 1993

By the Chief, Mass Media Bureau:

1. On January 26, 1993, a petition on behalf of the San Mateo County Community College District, licensee of Station KCSM-TV (Educ., Ch. 60), San Mateo, California, was filed with the Commission claiming that Horizon Cable TV Video Engineering, Inc. ("Horizon"), had declined to carry the station, even though the Grade B contour of KCSM-TV encompasses the system's principal headend at Fairfax, California, and it is therefore a "local" signal within the meaning of Section 5 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992).

2. On April 8, 1993, the United States District Court of the District of Columbia issued a decision in the litigation involving *Turner Broadcasting System, Inc., et al., v. Federal Communications Commission*, Civil Action No. 92-2247 (D.D.C. April 8, 1993), which upheld the provisions of the 1992 Cable Act that had been challenged as violating plaintiffs' constitutional rights and terminated the 120 day *Standstill Order* previously issued in this case.

3. Since no other pleadings were filed in this matter within the fifteen (15) day period specified by the Commission in its Public Notice, Mimeo No. 32419 (released March 26, 1993), the complaint filed January 26, 1993, by the San Mateo County Community College District IS GRANTED, in accordance with Section 615(j)(3) (47 U.S.C. 535) of the Communications Act of 1934, as amended, and Horizon Cable TV Video Engineering, Inc. IS ORDERED to commence carriage of KCSM-TV forty-six (46) days from the date of this Order. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by Section 0.283 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

FEDERAL COMMUNICATIONS COMMISSION

Before the
Federal Communications Commission
Washington, D.C. 20554

William H. Johnson, Deputy Chief
Cable Services Bureau

In re:

Complaints of San Mateo County CSR-3771; CA0318
Community College District CSR-3772; CA0459
against Multivision Cable TV
Corp.

Petitions for Reconsideration

MEMORANDUM OPINION AND ORDER

Adopted: May 11, 1994;

Released: May 20, 1994

By the Chief, Cable Services Bureau:

1. On December 6, 1993, a follow-up petition for reconsideration was filed, on behalf of Multivision Cable TV Corp. ("Multivision"), operator of cable systems serving Rohnert Park and Fairfield, California. Multivision requests that the Commission reconsider its October 27, 1993 denial by letter of Multivision's original petitions for reconsideration¹ in which its Rohnert Park and Fairfield systems were ordered to commence carriage of Station KCSM-TV (Educ., Ch. 60), San Mateo, California unless it submitted engineering data to prove its claim of poor signal quality against KCSM-TV. No opposition to this petition has been received.

2. In support of this request, Multivision submits data for the Rohnert Park system consisting of sixteen signal level readings taken over a 16-hour period by its Lead Technician, James D. Martindale on November 17 and 18, 1993, and data for the Fairfield system consisting of fifteen signal level readings taken over a 25-hour period by its Lead Technician, Richard Libert on November 17 and 18, 1993. Both sets of data demonstrate, consistent with Commission requirements, that KCSM-TV's signal strength for both systems is substantially below the level of -45 dBm required for UHF stations.

3. Staff review of the undisputed engineering data submitted by Multivision confirms its contention that KCSM-TV's signal quality at the systems' designated headends is not sufficient to entitle the station to mandatory carriage on Multivision's cable systems serving Rohnert Park and Fairfield, California. See 47 U.S.C. §535(g)(4). Accordingly, the petition for reconsideration, filed December 6, 1993, on behalf of Multivision Cable TV IS GRANTED, and our Orders adopted May 28, 1993² ARE RESCINDED, pursuant to authority delegated in §§0.321 and 1.106 of the Commission's Rules.

¹ Separate petitions for reconsideration for Rohnert Park and Fairfield were filed by Multivision on July 1, 1993.

² *San Mateo County Community College District against*

Multivision-Yountville - Multivision Cable TV, DA 93-623 (released June 24, 1993), and DA 93-624 (released June 14, 1993).

Federal Communications Commission

KCSM/
Multivision
DA 93-623

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of San Mateo
County Community College District
against Multivision-Yountville
- Multivision Cable

CSR-3771
CA0318

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: May 28, 1993;

Released: June 24, 1993

By the Chief, Mass Media Bureau:

1. On January 26, 1993, a petition on behalf of the San Mateo County Community College District, licensee of Station KCSM-TV (Educ., Ch. 60), San Mateo, California, was filed with the Commission claiming that Multivision-Yountville - Multivision Cable ("Multivision"), operator of a cable television system serving Rohnert Park, California, had declined to carry the station, even though the Grade B contour of KCSM-TV encompasses the system's principal headend at Rohnert Park, California, and it is therefore a "local" signal within the meaning of Section 5 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992).

2. On April 8, 1993, the United States District Court of the District of Columbia issued a decision in the litigation involving *Turner Broadcasting System, Inc., et al., v. Federal Communications Commission*, Civil Action No. 92-2247 (D.D.C. April 8, 1993), which upheld the provisions of the 1992 Cable Act that had been challenged as violating plaintiffs' constitutional rights and terminated the 120 day *Standstill Order* previously issued in this case.

3. Since no other pleadings were filed in this matter within the fifteen (15) day period specified by the Commission in its Public Notice, Mimeo No. 32419 (released March 26, 1993), the complaint filed January 26, 1993, by the San Mateo County Community College District IS GRANTED, in accordance with Section 615(j)(3) (47 U.S.C. 535) of the Communications Act of 1934, as amended, and Multivision-Yountville - Multivision Cable IS ORDERED to commence carriage of KCSM-TV forty-six (46) days from the date of this Order. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by Section 0.283 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

Federal Communications Commission

KCSM/
Multivision
DA 93-624

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of San Mateo County CSR-3772
Community College District CA0459
against Multivision Cable TV

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: May 28, 1993; Released: June 14, 1993

By the Chief, Mass Media Bureau:

1. On January 26, 1993, a petition on behalf of the San Mateo County Community College District, licensee of Station KCSM-TV (Educ., Ch. 60), San Mateo, California, was filed with the Commission claiming that Multivision Cable TV ("Multivision"), operator of a cable television system serving Fairfield, California had declined to carry the station, even though the Grade B contour of KCSM-TV encompasses Multivision's principal headend at Fairfield, California, and it is therefore a "local" signal within the meaning of Section 5 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992).

2. On April 8, 1993, the United States District Court of the District of Columbia issued a decision in the litigation involving *Turner Broadcasting System, Inc., et al., v. Federal Communications Commission*, Civil Action No. 92-2247 (D.D.C. April 8, 1993), which upheld the provisions of the 1992 Cable Act that had been challenged as violating plaintiffs' constitutional rights and terminated the 120 day *Standstill Order* previously issued in this case.

3. Since no other pleadings were filed in this matter within the fifteen (15) day period specified by the Commission in its Public Notice, Mimeo No. 32419 (released March 26, 1993), the complaint filed January 26, 1993, by the San Mateo County Community College District IS GRANTED, in accordance with Section 615(j)(3) (47 U.S.C. 535) of the Communications Act of 1934, as amended, and Multivision Cable TV IS ORDERED to commence carriage of KCSM-TV forty-six (46) days from the date of this Order. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by Section 0.283 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

Federal Communications Commission

DA-93-894

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of San Mateo
County Community College
District against
Post-Newsweek Cable of
California, Inc.

CSR-3773
CA0901

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: July 13, 1993;

Released: July 23, 1993

By the Chief, Mass Media Bureau:

1. On December 4, 1992, the mandatory carriage provisions of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992), became effective for certain noncommercial educational stations. On January 26, 1993, San Mateo Community College District, licensee of Station KCSM-TV (Educ. Channel 60), San Mateo, California, filed a petition with the Commission stating that its carriage request had been refused by the cable television system serving Union City, California, Post-Newsweek Cable of California, Inc. d/b/a Pacific Cable Television, even though the Grade B contour of KCSM-TV covers the cable system's principal headend at Union City, according to the station.

2. On March 2, 1993, an opposition to the above petition was filed with the Commission on behalf of Pacific Cable Television, which noted the outstanding *Standstill Order* and the pending litigation involving the constitutionality of the 1992 Cable Act in *Turner Broadcasting System, Inc. et al. v. Federal Communications Commission*, Civil Action No. 92-2247 (D.D.C. December 4, 1992). The opposition also stated that Pacific Cable Television had not received KCSM-TV's carriage request of November 25, 1992, and that Pacific Cable Television had no record of issuing a letter dated December 1, 1992, wherein it purportedly refused to grant the requested carriage. Furthermore, it noted that KCSM-TV had not yet shown that it was entitled to the carriage requested since the form it submitted from the Corporation for Public Broadcasting for a Fiscal Year 1993 Community Service Grant was unsigned.¹

3. On April 2, 1993, KCSM-TV filed a response to the above opposition claiming that on February 2, 1993, it had faxed a copy of its carriage request of November 25, 1992, to Susan Adams, who was listed as the General Manager of Pacific Cable Television's system in Union City. According to KCSM-TV it received no response to this request; however, its initial allegation that Pacific Cable Television had refused its request for carriage was erroneous because

KCSM-TV's staff had originally confused Pacific Cable Television with another operator. In addition, KCSM-TV submitted a copy of its Noncommercial Educational Television Broadcast Station License from the Commission and noted that the station has yet to receive a response to these carriage requests either from Susan Adams or from any other officer of Pacific Cable Television.

4. On April 8, 1993, the United States District Court of the District of Columbia issued a decision in the litigation concerning *Turner Broadcasting System, Inc., supra*, which upheld the provisions of the 1992 Cable Act that had been challenged as violating plaintiffs' constitutional rights and which terminated the *Standstill Order* previously issued in this matter. In the instant case, it is clear that KCSM-TV is a qualified local NCE station entitled to carriage on the Pacific Cable Television system. It also appears that KCSM-TV has requested carriage on the system; as an NCE station, it need not receive a response from the system before filing a must-carry complaint with the Commission. See §76.61(b) of the Commission's Rules.

5. Accordingly, since no further pleadings were filed in this proceeding within the fifteen (15) day period specified by the Commission in its Public Notice, Mimeo No. 32419 (released March 26, 1993), the petition filed January 26, 1993, on behalf of Station KCSM-TV IS GRANTED, pursuant to §615(j)(3) (47 U.S.C. 535) of the Communications Act of 1934, as amended, and Post-Newsweek Cable of California, Inc. d/b/a Pacific Cable Television IS ORDERED to commence carriage of KCSM-TV forty-six (46) days from the release date of this Order. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by §0.283 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

¹ However, we take note of the fact that the records of the Corporation for Public Broadcasting reveal that KCSM-TV has been awarded such a grant, and that the station's form was duly

signed by Craig T. Blake, Associate Chancellor, on September 3, 1992, and by Richard Zanardi, General Manager, on September 30, 1992.

Federal Communications Commission

DA-93-899

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of the San Mateo
County Community College
District against Televents of
East County, Inc.

CSR-3775
CA0556

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: July 13, 1993;

Released: July 23, 1993

By the Chief, Mass Media Bureau:

1. On December 4, 1992, the mandatory carriage provisions of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992), became effective for certain noncommercial educational stations. On January 26, 1993, the San Mateo Community College District, licensee of Station KCSM-TV (Educ., Channel 60), San Mateo, California, filed a petition with the Commission stating that its carriage request had been refused by Televents CATV - Brentwood, even though the Grade B contour of KCSM-TV covers the cable system's principal headend at Brentwood, California, according to the station.

2. On April 14, 1993, a revised opposition to the above petition was filed with the Commission by Televents of East County, Inc. d/b/a TCI Cablevision of East County ("TCI"), in which it notes that it no longer utilizes the name Televents CATV-Brentwood, and that its principal headend is in Knightsen, California, not in Brentwood. In addition, TCI claims that, although it does not submit any supporting data and had not previously told the station about any problem, the system could not receive a signal from KCSM-TV at its headend when it ran certain measurements on April 12, 1993. Furthermore, TCI states that KCSM-TV failed to claim that the reference point for its community of license is within fifty miles of TCI's headend, and therefore the station does not qualify as "local," pursuant to §76.55(b)(1) of the Commission's Rules for the purposes of mandatory carriage. Moreover, TCI argues that the Commission should dismiss KCSM-TV's petition for certain procedural defects which prevented TCI from determining, on the basis of the petition itself, whether or not KCSM-TV is entitled to carriage. According to TCI, its copy of KCSM-TV's petition lacked the pertinent correspondence, a map either with KCSM-TV's Grade B contour or the distance in miles from its San Mateo reference point to TCI's principal headend, and it contained no declaration, affidavit, or verification of exhibits.

3. The petition filed with the Commission did include the pertinent correspondence, the appropriate Grade B map of the station's predicted coverage, and a declaration under penalty of perjury from KCSM-TV's General Man-

ager, David H. Hosley, concerning the accuracy of the documents submitted and of the facts recited on behalf of KCSM-TV in this case. Moreover, it appears that TCI has in fact had an opportunity to review the petition's attachments. Accordingly, KCSM-TV's petition will not be dismissed on procedural grounds, as requested by TCI. Nor is KCSM-TV's initial error in identifying TCI's principal headend decisionally significant, since the two towns are both well within KCSM-TV's Grade B contour, thus making the station "local" in both communities for must-carry purposes. Finally, we have received no data as evidence substantiating TCI's initial allegation of poor signal quality from KCSM-TV at TCI's designated headend. The petition filed January 26, 1993, by the San Mateo Community College District, licensee of Station KCSM-TV, therefore IS GRANTED, pursuant to §615(j)(3) (47 U.S.C. 535) of the Communications Act of 1934, as amended, and Televents of East County, Inc. d/b/a TCI Cablevision of East County IS ORDERED to commence the carriage requested by KCSM-TV forty-six (46) days from the release date of this Order. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by §0.283 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau



Arent Fox

1050 Connecticut Avenue, NW
Washington, DC 20036-5339

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

George H. Shapiro
Tel: 202/857-6022
Fax: 202/857-6395

June 6, 1994

William F. Caton, Acting Secretary
Federal Communications Commission
Washington, DC 20554

Attn: Cable Services Bureau

Re: CSR-3777

Dear Mr. Caton:

The above-referenced proceeding concerns a Petition for Declaratory Ruling filed by San Mateo Community College District, licensee of non-commercial educational Station KCSM-TV, San Mateo, California. KCSM-TV has alleged that cable systems operated by subsidiaries of Viacom International Inc. ("Viacom") have been operating in violation of the Commission's non-commercial educational must-carry rules. Tele-Vue Systems, Inc., a subsidiary of Viacom and parent of all Viacom-affiliated entities operating cable systems in Marin, Napa, and Sonoma Counties, California, where the cable systems subject to the above-referenced proceeding are located, has previously sought to show that KCSM-TV did not provide a good quality signal to the principal headend serving the communities specified by KCSM-TV in the above-referenced proceeding.

Subsequently, by letter dated September 17, 1994, undersigned counsel for Viacom and its subsidiaries involved in this proceeding advised the Commission that the engineering consultants to the parties were working toward resolution of the issues in the proceeding and that the parties were hopeful that an amicable resolution could be reached.

The purpose of this letter is to advise the Commission that the parties have resolved this proceeding and that, beginning on December 22, 1993, transmission of KCSM-TV commenced in the communities specified in KCSM's Complaint. Such action was without prejudice to whatever action

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New York, NY • Vienna, VA • Bethesda, MD • Budapest, Hungary

Arent Fox

William F. Caton, Acting Secretary
June 6, 1994
Page 2

Viacom and its subsidiaries might take if the Supreme Court determines that must-carry requirements are unconstitutional. Viacom's carriage of KCSM-TV on these systems resolves the issues raised by KCSM-TV, and Viacom understands that, upon receipt of its copy of this letter, KCSM-TV will request that the Commission dismiss its Petition for Declaratory Ruling.

Very truly yours

George H. Shapiro
Counsel for Viacom International
Inc, Tele-Vue Systems, Inc., and
Affiliated Entities

cc: Mr. David H. Hosley

G

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

29 JUL 1993

IN REPLY REFER TO:

4620-PP

David M. Silverman, Esq.
Cole, Raywid & Braverman
1919 Pennsylvania Avenue, N. W.
Suite 200
Washington, D. C. 20006

In re: San Mateo County Community
College District
(KCSM-TV)
CSR-3778; CA0446

Dear Mr. Silverman:

On July 1, 1993, you filed an unopposed "Petition for Reconsideration", on behalf of Wander Telecommunications d/b/a Wander Cable Television ("Wander"), operator of a cable system serving Gualala, California. Wander requests that the Commission reconsider its June 15, 1993 action¹ ordering its Gualala system to carry Station KCSM-TV (Educ. Ch. 60), San Mateo, California, because Gualala is neither within the Grade B contour of KCSM-TV nor fifty miles or less from the San Mateo, California station's city of license. In support, Wander submits a map that shows Gualala to be more than 100 miles from San Mateo and notes that it was never served by KCSM-TV with a copy of the station's must-carry complaint, in violation of §76.7(b) of the Commission's Rules.

Contrary to the declaration made by the General Manager of KCSM-TV in its original petition, staff review of the issues raised and of the materials submitted in the matter reveals that Wander's headend lies both outside KCSM-TV's Grade B contour and more than fifty miles from the reference point of KCSM-TV's principal community. Therefore, the 1992 Cable Act does not entitle KCSM-TV to mandatory carriage on the Wander cable television system serving Gualala, California.

¹ San Mateo County Community College District against Wander Cable Television - Anchor Bay, DA-93-646 (released June 14, 1993).

Accordingly, pursuant to §§0.283 and 1.106 of the Commission's Rules, the petition for reconsideration filed July 1, 1993 on behalf of Wander Telecommunications is granted.

Sincerely,


Roy J. Stewart
Chief, Mass Media Bureau

cc: David H. Hosley, General Manager

Federal Communications Commission

KCSM
Wander
DA 93-646

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of San Mateo County CSR-3778
Community College District CA0446
against Wander Cable
Television-Anchor Bay

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: June 3, 1993; Released: June 14, 1993

By the Chief, Mass Media Bureau:

1. On January 26, 1993, a petition on behalf of the San Mateo County Community College District, licensee of Station KSCM-TV (Educ., Ch. 60), San Mateo, California, was filed with the Commission claiming that Wander Cable Television-Anchor Bay ("Wander"), had declined to carry the station, even though the Grade B contour of KCSM-TV encompasses Wander's principal headend at Gualala, California, and it is therefore a "local" signal within the meaning of Section 5 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992).

2. On April 8, 1993, the United States District Court of the District of Columbia issued a decision in the litigation involving *Turner Broadcasting System, Inc., et al., v. Federal Communications Commission*, Civil Action No. 92-2247 (D.D.C. April 8, 1993), which upheld the provisions of the 1992 Cable Act that had been challenged as violating plaintiffs' constitutional rights and terminated the 120 day *Standstill Order* previously issued in this case.

3. Since no other pleadings were filed in this matter within the fifteen (15) day period specified by the Commission in its Public Notice, Mimeo No. 32419 (released March 26, 1993), the complaint filed January 26, 1993, by the San Mateo County Community College District IS GRANTED, in accordance with Section 615(j)(3) (47 U.S.C. 535) of the Communications Act of 1934, as amended, and Wander Cable Television-Anchor Bay IS ORDERED to commence carriage of KCSM-TV forty-six (46) days from the date of this Order. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by Section 0.283 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

Federal Communications Commission

DA 93-625

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of San Mateo
County Community College
District against Viacom
Cable San Francisco

CSR-3779
CA0245

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: May 28, 1993;

Released: July 8, 1993

By the Chief, Mass Media Bureau:

1. On January 26, 1993, a petition on behalf of the San Mateo County Community College District, licensee of Station KCSM-TV (Educ. Ch. 60), San Mateo, California, was filed with the Commission claiming that Viacom Cable San Francisco ("Viacom"), had declined to carry the station, even though the Grade B contour of KCSM-TV encompasses the system's principal headend in San Francisco, California, and it is therefore a "local" signal within the meaning of Section 5 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-365, 106 Stat. 1460 (1992).

2. On April 8, 1993, the United States District Court of the District of Columbia issued a decision in the litigation involving *Turner Broadcasting Systems, Inc., et al., v. Federal Communications Commission*, Civil Action No. 93-2247 (D.D.C. April 8, 1993), which upheld the provisions of the 1992 Cable Act that had been challenged as violating plaintiffs' constitutional rights and terminated the 120 day *Standstill Order* previously issued in this case.

3. Since no other pleadings were filed in this matter within the fifteen (15) day period specified by the Commission in its Public Notice, Mimeo No. 32419 (released March 26, 1993), the complaint filed January 26, 1993, by San Mateo County Community College District IS GRANTED, in accordance with Section 615(j)(3) (47 U.S.C. 535) of the Communications Act of 1934, as amended, and Viacom Cable San Francisco IS ORDERED to commence carriage of KCSM-TV forty-six (46) days from the date of this Order. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by Section 0.283 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

2

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of KCSM-TV
Channel 60 against
Viacom Cable

CSR-4162-M

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: December 13, 1994; Released: December 27, 1994

By the Cable Services Bureau:

1. Station KCSM (Educ., Channel 60), San Mateo, California has filed a "Petition for Declaratory Ruling" with the Commission, claiming that Viacom Cable had refused to carry KCSM-TV's signal on its East Bay cable system, serving Pleasanton, Livermore, Dublin, San Ramon, Sunol and surrounding areas. KCSM-TV asserts that Viacom had previously acknowledged that KCSM-TV was a "qualified" must-carry station, but wanted KCSM-TV to agree to delay its carriage until Viacom had completed a system build through. KCSM-TV did not agree to this request. On December 30, 1993, an "Opposition to Complaint" was filed on behalf of Viacom Cable claiming that KCSM-TV's petition should be denied because it is "untimely." On January 25, 1994, a "Response to Opposition to Petition for Declaratory Ruling" was filed on behalf of KCSM-TV, disputing Viacom's claim that KCSM-TV's initial complaint was "untimely," and adding that Viacom's Opposition was itself late-filed.

2. Initially, we note that Section 76.7(d) of the Commission's rules specifies that comments or oppositions to must-carry complaints are to be filed within twenty days of their appearance on public notice. Since KCSM-TV's petition appeared on public notice on December 10, 1994, Viacom's opposition was timely filed. Pursuant to Section 76.58(b) of the Commission's rules, on April 30, 1993, Viacom Cable notified KCSM-TV that its designated principal headend was located in San Ramon, California (see Attachment to KCSM-TV's Petition). Subsequently, on July 16, 1993, Viacom Cable mailed out to KCSM-TV a copy of its channel line-up card, pursuant to Section 76.58(e) of the Commission's rules (see Exhibit 1 to Viacom's Opposition). By letter dated August 30, 1993, KCSM-TV requested carriage on Viacom's East Bay cable system (see Attachment to KCSM-TV's Petition). KCSM-TV received no response to this letter from Viacom. On October 21, 1993, KCSM-TV sent a second letter to Viacom, reiterating its request for carriage (see Attachment to KCSM-TV's Petition). Kurt Jorgensen, Vice-President of Viacom Cable, then contacted KCSM-TV by telephone on October 26, 1993. At this point, the two sides commenced negotiations concerning Viacom's carriage of KCSM-TV. During these negotiations, KCSM-TV states that Jonathan Marx, the General Manager of Viacom's system, acknowledged that KCSM-TV was a "qualified" station for mandatory carriage

on its East Bay system but proposed that KCSM-TV wait for carriage until the system completed its buildthrough by the summer of 1995. KCSM-TV declined this offer and, in response, Viacom took the position that because KCSM-TV had failed to file a complaint sixty days from the "triggering event" of Viacom's April 30, 1993 headend notification, KCSM-TV had, in effect, waived its right to file a must-carry complaint with the Commission. KCSM-TV contended that it had not waived its right to file a complaint with the Commission and that the actual "triggering event" was not Viacom's headend notification, but rather was KCSM-TV's request for carriage on August 30, 1993. Therefore, according to KCSM-TV, Viacom was obligated to respond to its carriage request by November 1, 1993. Having failed to reach a mutually acceptable resolution, KCSM-TV filed a complaint with the Commission on November 16, 1993.

3. Pursuant to Section 615 of the Communications Act of 1934, as amended, a cable system's signal carriage obligation includes carriage of qualified NCE television stations. See 47 U.S.C. § 535; 47 C.F.R. § 76.56(a). There is no substantive disagreement herein between the parties as to KCSM-TV's eligibility for carriage as a must-carry station on Viacom's East Bay system. This dispute concerns the proper timing of the filing of KCSM-TV's original must-carry complaint with the Commission. In its Opposition, Viacom asserts that KCSM-TV was put on notice on July 16, 1993 that Viacom did not intend to carry KCSM-TV's signal on its East Bay system, when Viacom sent KCSM-TV its current channel line-up card, which specifically referred to the implementation of its "must-carry" requirements, and the line-up excluded KCSM-TV. Viacom claims that this "triggering event" constituted an "affirmative action" by Viacom, which caused KCSM-TV to become aware of Viacom's alleged violation of the must-carry provisions. Consequently, pursuant to the Commission's filing requirements, KCSM-TV was obligated to file a complaint with the Commission within sixty days of this event. Therefore, according to Viacom's interpretation of events, KCSM-TV should have filed a complaint with the Commission by approximately September 20, 1993. Because KCSM-TV did not file a complaint until November 16, 1993, Viacom asserts that this complaint is barred from consideration on its merits under the Commission's procedural filing requirements.

4. KCSM-TV counters, in its Response to Opposition, that the "triggering event" initiating the sixty day filing window for its complaint was not its receipt of Viacom's channel line-up card because its receipt of this card was not in response to a specific request from KCSM-TV either for the card itself or for carriage on Viacom's East Bay system. Instead, the channel line-up card received by KCSM-TV from Viacom was merely a list of stations currently carried by Viacom that all cable systems were required to send out to local stations, under the Commission's rules, by June 2, 1993. Furthermore, KCSM-TV maintains that if Viacom had truly considered that KCSM-TV's receipt of the line-up card mailed on July 16, 1993 was the actual "triggering event" to initiate the Commission's filing deadline for its complaint, it would not have entered into negotiations with KCSM-TV in October and November over KCSM-TV's carriage rights on Viacom's East Bay system. Therefore, KCSM-TV asserts that its petition should not be dismissed as untimely, but, rather, that the Commission should accept it for review on its merits.

5. The Commission's rules specify that must-carry complaints involving NCE stations, must be filed with the Commission within sixty days of the time when the complainant first believes that the cable operator has failed to comply with the must-carry rules. 47 C.F.R. § 76.7(c)(4)(iii). The Commission elaborated on this requirement in its rulemaking proceedings by stating that "[w]ith respect to NCE stations, no complaints will be accepted if filed more than 60 days after the station became aware, through some affirmative action of the cable operator, that such operator had allegedly violated the Act." *Report and Order in MM Docket No. 92-259*, 8 FCC Rcd 2965, 2995 (1993). In footnote 356, the Commission further explained that,

A written request by an NCE station to a cable operator for the list of must-carry stations contained in operator's public file will not be considered notification of a failure to comply with the Act. However, receipt by the NCE station of such a list (which the operator is required to provide within thirty (30) days of a request) may constitute the specific event triggering the 60 days time frame in which to file a complaint, if such list contains the information on which the NCE station will base its complaint.

The Commission also stated that "[a]n affirmative action... would include a denial from a cable operator in response to a demand by the station for either carriage or channel position, or the failure to respond to such a demand within the required 30-day time frame (emphasis added)." *Report and Order in MM Docket No. 92-259*, 8 FCC Rcd at 2995. Moreover, the Commission requires an NCE station to follow the same procedures as provided for commercial stations when an NCE station chooses to notify a cable operator directly of a carriage-related dispute prior to filing a complaint with the Commission.

With respect to an NCE station, although the statute gives the NCE station the right to directly file a complaint with the Commission, *it is anticipated, though not required, that if there is any question relating to the carriage obligations of the cable system, the NCE station will make inquiries of the cable system prior to filing a complaint. In the event the NCE station chooses to notify a cable operator of an alleged failure to comply with the Act, we believe it appropriate that they use the procedures outlined for commercial or LPTV stations. If it so chooses, the NCE station should also notify the cable operator that it is availing itself of those procedures and that it anticipates receiving a response from the cable operator within 30 days.* (emphasis added) In the event the NCE station chooses to avail itself of the plain language of the statute and file a complaint directly with the Commission without prior notification to the cable system, the NCE station must serve the cable system as provided in Section 76.7 of our rules.

Id. at 2994-95. Consequently, an NCE station following the procedures set out for commercial stations should also face the same filing requirements for carriage-related complaints

(including deadlines and associated "triggering events") applicable to commercial stations.

6. The Commission's rules, however, as explained in its rulemaking proceedings, clearly encourage an NCE station to clarify and to resolve its carriage status with the cable operator *before* filing a must-carry complaint with the Commission. *See Report and Order in MM Docket No. 92-259*, 8 FCC Rcd at 2994-95, and para. 5, *supra*. Moreover, if an NCE station chooses to follow this strategy, it must provide the cable operator up to thirty days to respond to its request. *Report and Order in MM Docket No. 92-259*, 8 FCC Rcd at 2994-95. This suggests that the "affirmative action" or "triggering event" necessary to initiate the Commission's filing deadline for a subsequent must-carry complaint should occur in relation to this process. Because NCE stations are allowed by the Commission to follow the same procedures outlined for commercial stations when attempting to resolve their carriage disputes directly with individual cable operators, we believe that the "affirmative action" or "triggering event" necessary to initiate the Commission's filing deadline regarding subsequent complaints should also be the same for NCE stations in this particular situation. *See Report and Order in MM Docket No. 92-259*, 8 FCC Rcd at 2994-95, and para. 5, *supra*.

7. Therefore, we agree with KCSM-TV that, because it had not requested carriage before it received Viacom's channel line-up card on July 16, 1993, KCSM-TV's receipt of this line-up card, without its prior solicitation, did not constitute an appropriate "affirmative action" or "triggering event" with regard to the filing deadline for KCSM-TV's must-carry complaint. It appears from the facts provided by the parties, instead, that Viacom's failure to respond to KCSM-TV's August 30, 1993 carriage request by September 29, 1993 (*i.e.*, thirty days after the request) was the actual "triggering event" that most closely conforms to the Commission's explanation of its rules concerning filing deadlines for must-carry complaints. *See Report and Order in MM Docket No. 92-259*, 8 FCC Rcd at 2995, and para. 5, *supra*. Therefore, in accordance with these rules, KCSM-TV had until November 28, 1993 (sixty days after the "triggering event") to file its complaint with the Commission. *See* 47 C.F.R. § 76.7(c)(4)(iii). Because KCSM-TV's complaint was filed with the Commission on November 16, 1993, KCSM-TV's complaint was timely filed and it will be accepted by the Commission for consideration on its merits.

8. Since there is no substantive dispute between the parties over whether or not KCSM-TV is a qualified local NCE station, entitled to mandatory carriage on Viacom's system under the Commission's rules, we believe that KCSM-TV has established that it is entitled to carriage on Viacom's East Bay system.

9. Accordingly, the petition filed on November 16, 1993 by KCSM-TV Channel 60 IS GRANTED, pursuant to Section 615(j)(3) (47 U.S.C. 535(j)(3)) of the Communications Act, as amended, and Viacom Cable IS ORDERED to commence carriage of KCSM-TV on its East Bay system forty-five (45) days from the release date of this Order. This action is taken pursuant to authority delegated by Section 0.321 of the Commission's rules. 47 C.F.R. § 0.321.

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson
Deputy Chief, Cable Services Bureau

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FEB - 4 1994

IN REPLY REFER TO:
4620-SP

David H. Hosley
General Manager
KCSM TV Channel 60
1700 W. Hillsdale Boulevard
San Mateo, California 94402-3784

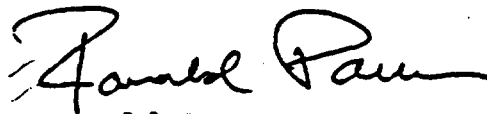
In re: KCSM TV Channel 60
(KCSM)
CSR-4185-M; CA0100

Dear Mr. Hosley:

On January 11, 1994, you filed a petition for declaratory ruling, on behalf of KCSM TV Channel 60, licensee of Television Broadcast Station KCSM (Educ., Ch 60), San Mateo, California, claiming that TCI Cablevision of California-Fremont had declined to carry KCSM on its system serving Fremont, California. Subsequently, on January 4, 1994, you withdrew the petition as TCI has agreed to add KCSM to their system as of February 17, 1994.

In view of the foregoing, pursuant to Section 0.283 of the Commission's Rules, the petition for declaratory ruling, filed January 11, 1994, is hereby dismissed.

Sincerely,



Ronald Parver
Chief, Technical Services Branch
Cable Services Bureau

KCSM 000675

FEDERAL COMMUNICATIONS COMMISSION

Before the
Federal Communications Commission
Washington, D.C. 20554

William H. Johnson, Deputy Chief
Cable Services Bureau

In re:

Complaint of Hispanic Community CSR-4048-M
Educational TV, Inc. against TX0505
Paragon Cable of San Antonio

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: May 4, 1994;

Released: May 18, 1994

By the Chief, Cable Services Bureau:

1. On August 16, 1993, a petition on behalf of Hispanic Community Educational TV, Inc., licensee of Television Broadcast Station KHCE (Educ., Ch. 23), San Antonio, Texas,¹ was filed with the Commission claiming that Paragon Cable of San Antonio ("Paragon"), operator of a cable television system serving San Antonio, Texas, had declined to carry the station, even though KHCE is licensed to the same community which Paragon serves and is therefore a "local" signal within the meaning of §4 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992). KHCE requests that the Commission order not only order Paragon to carry its signal on the cable system, but also order that the system carry it on Channel 23, the channel on which it broadcasts over-the-air. No opposition to this petition has been filed.

2. In support of its petition, KHCE states that San Antonio is a predominantly Hispanic city and that with approximately one-half of the city's population subscribing to cable, it is unable to effectively reach its entire city of license. Further, it maintains that Paragon's refusal to carry its signal has created an undue financial hardship upon the station.

3. KHCE's petition establishes that it is entitled to carriage on the San Antonio system as a commercial station licensed to the same ADI market as the cable system. It is also entitled to the requested carriage on its over-the-air broadcast channel, as it is permitted under Section 4 of the 1992 Cable Act. Since no other pleadings have been filed in this matter, the complaint filed August 16, 1993, by Hispanic Community Educational TV, Inc. IS GRANTED, in accordance with §614(h)(1)(A) (47 U.S.C. 535) of the Communications Act of 1934, as amended, and Paragon Cable of San Antonio IS ORDERED to commence carriage of KHCE on cable channel 23 forty-five (45) days from the release date of this Order. This action is taken by the Chief, Cable Services Bureau, pursuant to authority delegated by §0.321 of the Commission's Rules.

¹ While KHCE is licensed as an educational station by the Commission, the petitioner indicates that its station does not

meet all the criteria set forth in Section 5 for classification as a noncommercial station for must-carry purposes.

DA 94-837

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In re:

Capital of
Texas Public
Telecommunications
Council
against TCI Cablevision
of Texas, Inc.

Petitions for Reconsideration

MEMORANDUM OPINION AND ORDER

Adopted: July 28, 1994;

Released: August 8, 1994

By the Chief, Cable Services Bureau:

1. On June 22, 1994, a petition for reconsideration was filed on behalf of TCI Cablevision of Texas, Inc. ("TCI"), operator of cable systems serving various areas in Texas, including Seguin and New Braunfels, Texas. TCI requests that the Commission reconsider its June 7, 1994 Order requiring TCI to commence carriage of non-commercial educational television station, KLRU-TV, Austin, Texas on its Seguin and New Braunfels systems, unless it submitted engineering data to prove its claim of poor signal quality against KLRU-TV. No opposition to this petition has been received.

2. In support of its request, TCI submits data for the Seguin system consisting of five signal level readings taken over the course of a two-hour period and for the New Braunfels system consisting of six signal level readings taken over the course of a two-hour period. These tests were conducted by TCI's Assistant Area Engineer, Keith Stierner, on June 21 and 22, 1994. Both sets of data demonstrate, consistent with Commission requirements, that KLRU-TV's signal strength for both systems is substantially below the level of -45 dBm required for UHF stations.

3. Staff review of the undisputed engineering data submitted by TCI confirms its contention that KLRU-TV's signal quality at the system's designated headends is not sufficient to entitle the station to mandatory carriage on TCI's cable systems serving Seguin and New Braunfels, Texas. See 47 U.S.C. § 535(g)(4). Accordingly, the petition for reconsideration filed June 22, 1994 on behalf of TCI Cablevision of Texas, Inc. IS GRANTED, and our Order adopted on May 18, 1994¹ IS RESCINDED, pursuant to authority delegated in §§ 0.321 and 1.106 of the Commission's Rules.

¹ Capital of Texas Public Telecommunications Council against TCI Cablevision of Texas, Inc., DA 94-518 (released June 7, 1994).

1991).

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of Central Missouri State University against
Douglas Cable Communications

CSR-3890-M

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: December 12, 1993; Released: January 18, 1994

By the Chief, Mass Media Bureau

1. On July 6, 1993, a petition on behalf of Central Missouri State University, licensee of Station KMOS-TV (Educ., Ch. 6), Sedalia, Missouri, was filed with the Commission claiming that Douglas Cable Communications ("Douglas"), operator of cable television systems serving Garden City and East Lynne, Missouri had declined to carry the station, even though the Grade B contour of KMOS-TV encompasses the system's principal headend located at North latitude 38°11'28" and West longitude 94°33'40" and is therefore a "local" signal within the meaning of §5 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992). KMOS-TV requests that the Commission not only order Douglas to carry its signal, but also order that the system carry it on channel 6, the channel on which the station broadcasts over-the-air.

2. Although no formal opposition was filed, in a letter dated June 1, 1993, to KMOS-TV, Douglas maintained that the station's signal strength at Douglas' headend was not sufficient to entitle it to mandatory carriage on Douglas' systems serving Garden City and East Lynne.¹

3. Douglas' letter dated June 1, 1993, to KMOS-TV concerning its signal strength does not follow generally acceptable engineering practices to determine what constitutes a good quality signal. The 1992 Cable Act failed to set a standard for noncommercial educational ("NCE") stations; however, it did adopt a standard for determining the availability of VHF and UHF commercial stations at a cable system's headend. To establish the availability of a VHF commercial station's signal, the 1992 Cable Act set out a standard of -49 dBm at a cable system's headend. A standard of -45 dBm was established for UHF commercial stations signals. Since these standards address the issue of availability of a station's signal, consistent with Congress' guidance with respect to VHF and UHF commercial sta-

tion availability, we see no reason not to utilize the same standards as *prima facie* tests to initially determine whether a NCE station provides a cable system with a good quality signal. Generally, if the test results for VHF stations are less than -55 dBm, we believe that at least four readings must be taken over a two hour period. Where the initial readings are between -55 dBm and -49 dBm, inclusive, we believe that the readings should be taken over a 24-hour period, with measurements no more than four hours apart to establish reliable test results.² In addition to the information required by our rules to be furnished to the affected station when there is a dispute over signal level measurements,³ cable operators are expected to employ sound engineering measurement practices. Therefore, signal strength surveys should, at a minimum, include the following: 1) specific make and model numbers of the equipment used, as well as its age and most recent date(s) of calibration; 2) description(s) of the characteristics of the equipment used such as antenna ranges and radiation patterns; 3) height of the antenna above ground level and whether the antenna was properly oriented; and 4) weather conditions and time of day when the tests were done. When measured against these criteria, we conclude that the information submitted by Douglas is insufficient to demonstrate that KMOS-TV does not provide a good quality signal to the cable systems' principal headend.

4. Since Douglas filed no further pleadings in the above proceeding, the complaint filed July 6, 1993, by Central Missouri State University IS GRANTED in accordance with §615(j)(3)(47 U.S.C. §535) of the Communications Act of 1934, as amended, and Douglas Cable Communications IS ORDERED to commence carriage of Station KMOS-TV, Sedalia, Missouri, on channel 6 on its cable television systems serving Garden City and East Lynne, Missouri, forty-five (45) days from the release date of this Order unless Douglas submits the engineering data required herein to support its assertion of poor signal quality at its principal headend. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by §0.283 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

¹ In response, KMOS-TV submitted a report dated June 16, 1993, from Consulting Engineer, Donald L. Markley, confirming that both East Lynne and Garden City are within KMOS-TV's predicted Grade B contour, calculated pursuant to §73.684 of the Commission's Rules.

² Generally, if the test results for UHF stations are less than

-51 dBm we believe that at least four readings must be taken over a two hour period. Where the initial readings are between -51 dBm and -49 dBm, inclusive, we believe that the readings should be taken over a 24 hour period with measurements not more than four hours apart to establish reliable test results.

³ See §76.61 of the Commission's Rules.

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of Central Missouri
State University against
Cablevision

CSR-3891-M ✓
MO0550

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: November 10, 1993; Released: November 24, 1993

By the Chief, Mass Media Bureau:

1. On July 1, 1993, a petition on behalf of Central Missouri State University, licensee of Station KMOS-TV (Educ., Channel 6), Warrensburg, Missouri, was filed with the Commission claiming that Cablevision, operator of a cable television system serving Norborne, Missouri, had declined to carry the station, even though the Grade B contour of KMOS-TV encompasses the system's principal headend located at north latitude 39°19'30" and west longitude 93° 56'35", and it is therefore a "local" signal within the meaning of Section 5 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992). KMOS-TV requests that the Commission not only order Cablevision to carry its signal, but also that it order the system to carry it on channel 6, the channel on which the station broadcasts over-the-air.

2. Although no formal opposition was filed, in a letter dated April 30, 1993, to KMOS-TV, Cablevision maintained that the station's signal strength at Cablevision's headend was not sufficient to entitle it to mandatory carriage on Cablevision's system serving Norborne.

3. Cablevision's letter dated April 30, 1993, to KMOS-TV concerning its signal strength does not follow generally acceptable engineering practices to determine what constitutes a good quality signal. The 1992 Cable Act failed to set a standard for noncommercial educational ("NCE") stations, however, it did adopt a standard for determining the availability of VHF and UHF commercial stations at a cable system's headend. To establish the availability of a VHF commercial station's signal, the 1992 Cable Act set out a standard of -49 dBm at a cable system's headend. A standard of -45 dBm was established for UHF commercial station signals. Since these standards address the issue of availability of a station's signal, consistent with Congress' guidance with respect to VHF and UHF commercial station availability, we see no reason not to utilize the same

standards as *prima facie* tests to initially determine whether a NCE station provides a cable system with a good quality signal. Generally, if the test results for VHF stations are less than -55 dBm, we believe that at least four readings must be taken over a two hour period. Where the initial readings are between -55 dBm and -49 dBm, inclusive, we believe that the readings should be taken over a 24-hour period, with measurements no more than four hours apart to establish reliable test results.¹ In addition to the information required by our rules to be furnished to the affected station when there is a dispute over signal level measurements,² cable operators are expected to employ sound engineering measurement practices. Therefore, signal strength surveys³ should, at a minimum, include the following: 1) specific make and model numbers of the equipment used, as well as its age and most recent date(s) of the calibration; 2) description (s) of the characteristics of the equipment used, such as antenna ranges and radiation patterns; 3) height of the antenna above ground level and whether the antenna was properly oriented; and 4) weather conditions and time of day when the tests were done. When measured against these criteria, we conclude that the information submitted by Cablevision is insufficient to demonstrate that KMOS-TV does not provide a good quality signal to the cable system's principal headend.

4. Since Cablevision filed no further pleadings in the above proceeding, the complaint filed July 1, 1993, by Central Missouri State University IS GRANTED in accordance with Section 615(j) (3) (47 U.S.C. Section 535) of the Communications Act of 1934, as amended, and Cablevision IS ORDERED, to commence carriage of Station KMOS-TV, Warrensburg, Missouri, on channel 6 on its cable television system serving Norborne, Missouri, forty-five (45) days from the release date of this ORDER unless Cablevision submits the engineering data required herein to support its assertion of poor signal quality at its principal headend. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by Section 0.283 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

¹ Generally, if the test results for UHF stations are less than -51 dBm we believe that a least four readings must be taken over a two hour period. Where the initial readings are between -51 dBm and -49 dBm, inclusive, we believe that the readings should be taken over a 24-hour period with measurements not

more than four hours apart to establish reliable test results.

² See Section 76.61 of the Commission's Rules.

³ Field strength measurements for the determination of Grade B contours shall follow the procedures set forth in Section 73.686 of the Commission's Rules.

✓ 2/17/94

Federal Communications Commission

DA 93-1570

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of Central Missouri
State University against
Cablevision

CSR-3892-M
MOO405

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: December 13, 1993; Released: January 18, 1994

By the Chief, Mass Media Bureau:

1. On July 1, 1993, a petition on behalf of Central Missouri State University, licensee of Station KMOS-TV (Educ., Channel 6), Sedalia, Missouri, was filed with the Commission claiming that Cablevision, operator of a cable television system serving Brunswick, Missouri, had declined to carry the station, even though the Grade B contour of KMOS-TV encompasses the system's principal headend located at north latitude 39°26'00" and west longitude 93°08'00" and it is therefore a "local" signal within the meaning of §5 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992). KMOS-TV requests that the Commission not only order Cablevision to carry its signal, but also that it order the system to carry it on channel 6, the channel on which the station broadcasts over-the-air.

2. Although no formal opposition was filed, in a letter dated April 30, 1993, to KMOS-TV, Cablevision maintained that the station's signal strength at Cablevision's headend was not sufficient to entitle it to mandatory carriage on Cablevision's system serving Brunswick.

3. Cablevision's letter dated April 30, 1993, to KMOS-TV concerning its signal strength does not follow generally acceptable engineering practices to determine what constitutes a good quality signal. The 1992 Cable Act failed to set a standard for noncommercial educational ("NCE") stations, however, it did adopt a standard for determining the availability of VHF and UHF commercial stations at a cable system's headend. To establish the availability of a VHF commercial station's signal, the 1992 Cable Act set out a standard of -49 dBm at a cable system's headend. A standard of -45 dBm was established for UHF commercial station signals. Since these standards address the issue of availability of a station's signal, consistent with Congress' guidance with respect to VHF and UHF commercial station availability, we see no reason not to utilize the same standards as *prima facie* tests to initially determine whether a NCE station provides a cable system with a good quality

signal. Generally, if the test results for VHF stations are less than -55 dBm, we believe that at least four readings must be taken over a two hour period. Where the initial readings are between -55 dBm and -49 dBm, inclusive, we believe that the readings should be taken over a 24-hour period, with measurements no more than four hours apart to establish reliable test results.¹ In addition to the information required by our rules to be furnished to the affected station when there is a dispute over signal level measurements,² cable operators are expected to employ sound engineering measurement practices. Therefore, signal strength surveys should, at a minimum, include the following: 1) specific make and model numbers of the equipment used, as well as its age and most recent date(s) of the calibration; 2) description(s) of the characteristics of the equipment used, such as antenna ranges and radiation patterns; 3) height of the antenna above ground level and whether the antenna was properly oriented; and 4) weather conditions and time of day when the tests were done. When measured against these criteria, we conclude that the information submitted by Cablevision is insufficient to demonstrate that KMOS-TV does not provide a good quality signal to the cable system's principal headend.

4. Since Cablevision filed no further pleadings in the above proceeding, the complaint filed July 1, 1993, by Central Missouri State University IS GRANTED in accordance with §615(j)(3) (47 U.S.C. §535) of the Communications Act of 1934, as amended, and Cablevision IS ORDERED, to commence carriage of Station KMOS-TV, Sedalia, Missouri, on channel 6 on its cable television system serving Brunswick, Missouri, forty-five (45) days from the release date of this ORDER unless Cablevision submits the engineering data required herein to support its assertion of poor signal quality at its principal headend. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by §0.283 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

¹ Generally, if the test results for UHF stations are less than -51 dBm we believe that a least four readings must be taken over a two hour period. Where the initial readings are between -51 dBm and -49 dBm, inclusive, we believe that the readings

should be taken over a 24-hour period with measurements not more than four hours apart to establish reliable test results.

² See § 76.61 of the Commission's Rules.

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of Central Missouri
State University against
Cablevision

CSR-3893-M

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: December 6, 1993; Released: January 13, 1994

By the Chief, Mass Media Bureau:

1. On July 1, 1993, a petition on behalf of Central Missouri State University, licensee of Station KMOS-TV (Educ., Channel 6), Sedalia, Missouri, was filed with the Commission claiming that Cablevision, operator of a cable television system serving Richmond and Henrietta, Missouri, had declined to carry the station, even though the Grade B contour of KMOS-TV encompasses the system's principal headend located at north latitude 39°15' 32" and west longitude 93°58'14" and it is therefore a "local" signal within the meaning of §5 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992). KMOS-TV requests that the Commission not only order Cablevision to carry its signal, but also that it order the system to carry it on channel 6, the channel on which the station broadcasts over-the-air.

2. Although no formal opposition was filed, in a letter dated April 30, 1993, to KMOS-TV, Cablevision maintained that the station's signal strength at Cablevision's headend was not sufficient to entitle it to mandatory carriage on Cablevision's system serving Richmond and Henrietta.

3. Cablevision's letter dated April 30, 1993, to KMOS-TV concerning its signal strength does not follow generally acceptable engineering practices to determine what constitutes a good quality signal. The 1992 Cable Act failed to set a standard for noncommercial educational ("NCE") stations, however, it did adopt a standard for determining the availability of VHF and UHF commercial stations at a cable system's headend. To establish the availability of a VHF commercial station's signal, the 1992 Cable Act set out a standard of -49 dBm at a cable system's headend. A standard of -45 dBm was established for UHF commercial station signals. Since these standards address the issue of availability of a station's signal, consistent with Congress' guidance with respect to VHF and UHF commercial sta-

tion availability, we see no reason not to utilize the same standards as *prima facie* tests to initially determine whether a NCE station provides a cable system with a good quality signal. Generally, if the test results for VHF stations are less than -55 dBm, we believe that at least four readings must be taken over a two hour period. Where the initial readings are between -55 dBm and -49 dBm, inclusive, we believe that the readings should be taken over a 24-hour period, with measurements no more than four hours apart to establish reliable test results.¹ In addition to the information required by our rules to be furnished to the affected station when there is a dispute over signal level measurements,² cable operators are expected to employ sound engineering measurement practices. Therefore, signal strength surveys³ should, at a minimum, include the following: 1) specific make and model numbers of the equipment used, as well as its age and most recent date(s) of the calibration; 2) description(s) of the characteristics of the equipment used, such as antenna ranges and radiation patterns; 3) height of the antenna above ground level and whether the antenna was properly oriented; and 4) weather conditions and time of day when the tests were done. When measured against these criteria, we conclude that the information submitted by Cablevision is insufficient to demonstrate that KMOS-TV does not provide a good quality signal to the cable system's principal headend.

4. Since Cablevision filed no further pleadings in the above proceeding, the complaint filed July 1, 1993, by Central Missouri State University IS GRANTED in accordance with §615(j)(3) (47 U.S.C. §535) of the Communications Act of 1934, as amended, and Cablevision IS ORDERED, to commence carriage of Station KMOS-TV, Sedalia, Missouri, on channel 6 on its cable television system serving Richmond and Henrietta Missouri, forty-five (45) days from the release date of this ORDER unless Cablevision submits the engineering data required herein to support its assertion of poor signal quality at its principal headend. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by §0.283 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

¹ Generally, if the test results for UHF stations are less than -51 dBm we believe that a least four readings must be taken over a two hour period. Where the initial readings are between -51 dBm and -49 dBm, inclusive, we believe that the readings should be taken over a 24-hour period with measurements not

more than four hours apart to establish reliable test results.

² See § 76.61 of the Commission's Rules.

³ Field strength measurements for the determination of Grade B contours shall follow the procedures set forth in § 73.606 of the Commission's Rules.

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaints of Central Missouri State University against Douglas Cable Communications II	CSR-3910-M; MO0836 CSR-3917-M; MO0821 CSR-3918-M; MO0920 CSR-3919-M; MO0822
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Petitions for Reconsideration

MEMORANDUM OPINION AND ORDER

Adopted: May 10, 1994;

Released: May 20, 1994

By the Chief, Cable Services Bureau:

1. On December 1, 1993, petitions for reconsideration were filed on behalf of Douglas Communications Corporation II ("Douglas"), operator of cable systems serving the communities of Calhoun, Urich, Creighton and Mayview, Missouri.¹ Douglas requests that the Commission reconsider its October 12, 1993 actions² ordering its Calhoun, Urich, Creighton and Mayview systems to carry Station KMOS-TV (Educ., Ch. 6), Sedalia, Missouri. An opposition to these petitions was filed December 15, 1993, on behalf of KMOS-TV, to which Douglas has responded.

2. In support of its requests, Douglas states that the four referenced cable systems serve less than 1,000 subscribers each and have only 10 usable, activated channels apiece.³ It argues that in order to carry KMOS-TV it would be forced to remove programming that has been provided to its subscribers since at least March 29, 1990. Douglas maintains that §535(b)(2)(B)(iii) of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992), and §76.56(a)(3) of the Commission's Rules specifically exempts small systems, such as Douglas', from the signal carriage requirements applicable to qualified NCE stations. It therefore concludes that it should not be required to add KMOS-TV to the four cable systems noted herein.

3. KMOS-TV argues in its response that Douglas' claim that it is not required to add KMOS-TV because its systems have fewer than 12 usable, activated channels directly conflicts with §615(2)(A) of the 1992 Cable Act which requires

that systems with 12 or fewer channels are required to carry the signal of at least one local noncommercial educational television station. KMOS-TV avers that at the present time Douglas provides no educational stations to its subscribers. It contends, therefore, that to avoid further irreparable harm to its station, Douglas should be required to add KMOS-TV to its systems.

4. In its response, Douglas reiterates its reliance on §76.56(a)(3) of the Commission's Rules which states that "a cable system with 12 or fewer usable activated channels shall not be required to remove any programming service provided to subscribers as of March 29, 1990, to satisfy these requirements, except that the first available channel must be used to satisfy these requirements (emphasis added)." Since all of its 10 activated channels on each system are presently occupied by channels that have been carried since March 1, 1990, Douglas maintains that it is not required to add KMOS-TV to its systems until such time as channel space becomes available on the systems.

5. We are not persuaded by the arguments raised by KMOS-TV herein. Section 76.56(a)(3) of the rules clearly provides for an exception to the must carry requirements for NCE stations in those instances where cable systems have 12 or fewer usable channel capacity. Douglas has clearly shown that such is the case for each of the systems herein. It should be emphasized, however, that as soon as the channel capacity becomes available on each system, Douglas will be required to add KMOS-TV in order to fulfill its obligation to carry at least one NCE station pursuant to §76.56(a)(1)(i) of the Commission's Rules.

6. In light of the above, therefore, pursuant to §§0.321 and 1.106 of the Commission's Rules, the petitions for reconsideration, filed December 1, 1993, on behalf of Douglas Communications Corporation II are granted and our Orders adopted October 12, 1993 are rescinded.

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson, Deputy Chief
Cable Services Bureau

¹ An "Emergency Petition for Stay" was filed concurrently with these petitions requesting that the Commission stay the effective date of its decisions until it acts on Douglas' reconsideration requests. In support of this request, Douglas argues that its reconsiderations are likely to succeed on their merits due to the small size of the systems involved. Further, it states that it was unable to present the current facts within the time allotted to respond to the original complaints due to the enormous burden Douglas faced in responding to hundreds of must carry complaints. Finally, it maintains that removal of other services to carry KMOS-TV would cause it irreparable harm and would disrupt subscribers' viewing habits, while grant of the requested stay would be in the public interest. This would not harm

KMOS-TV, according to Douglas, since the total number of subscribers involved on all four systems is only 336, none of whom have received KMOS-TV previously. In view of our decision today, however, we have no need to rule on the matter herein.

² *Central Missouri State University against Douglas Cable Communications*, 8 FCC Rcd 7877 (1993); 8 FCC Rcd 7878 (1993); 8 FCC Rcd 7876 (1993); and 8 FCC Rcd 7882 (1993).

³ Douglas indicates herein that the four cable systems serve the following number of subscribers: Calhoun -- 122; Urich -- 102; Creighton -- 64; and Mayview -- 48. The system did not submit any information during the pendency of the original pleading to indicate its usable channel capacity.

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In re:

Complaint of
Central Missouri
State University against
Douglas Cable Communications

Request for Carriage

Adopted: October 12, 1993; Released: November 1, 1993

By the Chief, Mass Media Bureau:

1. On July 8, 1993, a petition on behalf of Central Missouri State University, licensee of Station KMOS-TV (Educ., Ch. 6), Sedalia, Missouri, was filed with the Commission claiming that Douglas Cable Communications ("Douglas"), operator of a cable television system serving Calhoun, Missouri, had declined to carry the station, even though the Grade B contour of KMOS-TV encompasses the system's principal headend at north latitude 93°37'34" and west longitude 38°38'02", and the station is therefore a "local" signal within the meaning of §5 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992). KMOS-TV requests that the Commission not only order Douglas to carry its signal, but also order that the system carry it on channel 6, the channel on which it broadcasts over-the-air. No opposition to this petition has been filed.¹

2. KMOS-TV's petition establishes that it is entitled to carriage on the Calhoun cable system, and it has requested carriage on its over-the-air broadcast channel, as it is permitted to do under §5 of the 1992 Cable Act. Since no other pleadings have been filed in this matter, the complaint filed July 8, 1993, by Central Missouri State University IS GRANTED, in accordance with §615(j)(3) (47 U.S.C. 535) of the Communications Act of 1934, as amended, and Douglas Cable Communications IS ORDERED to commence carriage of KMOS-TV on cable channel 6 forty-six (46) days from the release date of this Order. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by §0.283 of the Commission's Rules.

¹ On April 8, 1993, the United States District Court of the District of Columbia issued a decision in the litigation involving *Turner Broadcasting System, Inc., et al., v. Federal Communications Commission*, Civil Action No. 92-2247 (D.D.C. April 8).

1993), which upheld the provisions of the 1992 Cable Act that had been challenged as violating plaintiffs' constitutional rights and terminated the 120 day *Standstill Order* previously issued in this case.

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Federal Communications Commission

DA 93-1237

FEDERAL COMMUNICATIONS COMMISSION 3

Before the
Federal Communications Commission
Washington, D.C. 20554

Roy J. Stewart
Chief, Mass Media Bureau

In re:

Complaint of Central Missouri State University against
Douglas Cable Communications

CSR-3911-M
MO0599

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: October 12, 1993; Released: October 25, 1993

By the Chief, Mass Media Bureau:

1. On July 8, 1993, a petition on behalf of Central Missouri State University, licensee of Station KMOS-TV (Educ., Ch. 6), Sedalia, Missouri, was filed with the Commission claiming that Douglas Cable Communications ("Douglas"), operator of a cable television system serving Waverly, Missouri, had declined to carry the station, even though the Grade B contour of KMOS-TV encompasses the system's principal headend at north latitude 39°31'03" and west longitude 93°12'34", and the station is therefore a "local" signal within the meaning of §5 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992). KMOS-TV requests that the Commission not only order Douglas to carry its signal, but also order that the system carry it on channel 6, the channel on which it broadcasts over-the-air. No opposition to this petition has been filed.¹

2. KMOS-TV's petition establishes that it is entitled to carriage on the Waverly cable system, and it has requested carriage on its over-the-air broadcast channel, as it is permitted to do under §5 of the 1992 Cable Act. Since no other pleadings have been filed in this matter, the complaint filed July 8, 1993, by Central Missouri State University IS GRANTED, in accordance with §615(j)(3) (47 U.S.C. 535) of the Communications Act of 1934, as amended, and Douglas Cable Communications IS ORDERED to commence carriage of KMOS-TV on cable channel 6 forty-six (46) days from the release date of this Order. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by §0.283 of the Commission's Rules.

¹ On April 8, 1993, the United States District Court of the District of Columbia issued a decision in the litigation involving *Turner Broadcasting System, Inc., et al., v. Federal Communications Commission*, Civil Action No. 92-2247 (D.D.C. April 8,

1993), which upheld the provisions of the 1992 Cable Act that had been challenged as violating plaintiffs' constitutional rights and terminated the 120 day *Standstill Order* previously issued in this case.

FEDERAL COMMUNICATIONS COMMISSION

Before the
Federal Communications Commission
Washington, D.C. 20554

In re:

Complaint of
Central Missouri
State University against
Douglas Cable Communications

CSR-3912-M
MO0118

Roy J. Stewart
Chief, Mass Media Bureau

Request for Carriage

MEMORANDUM OPINION AND ORDER

Adopted: October 12, 1993; Released: November 1, 1993

By the Chief, Mass Media Bureau:

1. On July 8, 1993, a petition on behalf of Central Missouri State University, licensee of Station KMOS-TV (Educ., Ch. 6), Sedalia, Missouri, was filed with the Commission claiming that Douglas Cable Communications ("Douglas"), operator of a cable television system serving Slater, Missouri, had declined to carry the station, even though the Grade B contour of KMOS-TV encompasses the system's principal headend at north latitude 39°04'08" and west longitude 93°13'05", and the station is therefore a "local" signal within the meaning of §5 of the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992). KMOS-TV requests that the Commission not only order Douglas to carry its signal, but also order that the system carry it on channel 6, the channel on which it broadcasts over-the-air. No opposition to this petition has been filed.¹

2. KMOS-TV's petition establishes that it is entitled to carriage on the Slater cable system, and it has requested carriage on its over-the-air broadcast channel, as it is permitted to do under §5 of the 1992 Cable Act. Since no other pleadings have been filed in this matter, the complaint filed July 8, 1993, by Central Missouri State University IS GRANTED, in accordance with §615(j)(3) (47 U.S.C. 535) of the Communications Act of 1934, as amended, and Douglas Cable Communications IS ORDERED to commence carriage of KMOS-TV on cable channel 6 forty-six (46) days from the release date of this Order. This action is taken by the Chief, Mass Media Bureau, pursuant to authority delegated by §0.283 of the Commission's Rules.

¹ On April 8, 1993, the United States District Court of the District of Columbia issued a decision in the litigation involving *Turner Broadcasting System, Inc., et al., v. Federal Communications Commission*, Civil Action No. 92-2247 (D.D.C. April 8,

1993), which upheld the provisions of the 1992 Cable Act that had been challenged as violating plaintiffs' constitutional rights and terminated the 120 day *Standstill Order* previously issued in this case.

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